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THE LIABILITY of the name of Herbert Hoover rests less heavily on the Republican Party now that he has sent an envoy to Washington to explain to party leaders that he will retire voluntarily from candidacy in the late summer. He did this, according to the *Times*, to head off the polite insult of a public letter asking him frankly to announce his intentions. The only reason, he explained, that he did not retire now was to give direction to Republican criticism of the Administration, and to do this with due authority. He promised to support the Republican candidate in the next campaign, and predicted that the prospects of victory would increase every day and would be "immeasurably advanced" if economic conditions and employment were not improved more than now appears probable. Thus the Republicans, rid of the leader whose name is most closely identified with the depression in the public mind, hope to win next year because the depression has not been conquered by his successor. This would be less illogical if they were grooming a candidate who promised to be more capable and consistent in meeting the emergency than Mr. Roosevelt. But of the Republican hopefuls so far mentioned—Vandenberg, Dickinson, McNary, Mills, and Knox—none has the stature even of Mr. Hoover. The President, it would seem, can count on a second term unless he fulfils the Republican dream-wish and defeats himself.

THE COUNTRY must look far backward to find a lobby to equal for audacity and strength the one which stormed the House to defeat the holding-company bill. It numbered between five and six hundred, and workers on the battlefield at the capital were supported by effective cohorts in Congressional districts. On the opening day of the debate members received as many as 5,000 telegrams each, and the cost of telegrams sent that day was estimated at nearly a million dollars. Representative Rayburn of Texas, author of the House bill, stated that there had been more misrepresentation and propaganda against this bill than against any other in the history of the House. He pointed to officials of Texas utility companies sitting in the gallery—where the lobby occupied the choice seats—and called them office boys for the controlling interests in New York. No lie has been too obvious to be used against the bill, and a fabulous sum has been spent in newspaper advertising and circularization in every state. Two years ago the bankers and the utility promoters suffered a setback, and it appeared that Congress was to be free of their control. Now Winthrop W. Aldrich, president of the Chase National Bank, is able to telephone members of the subcommittee of the Senate while it confers on the banking bill and ask to have a section of it taken out. The utility interests can descend on Congress with the most brazen campaign on record. Congress would do well to fulfil the promise of Representative Marcantonio, hold a searching inquiry into the lobby, and send some of its members to prison.

WE ARE NOT SO DISTURBED as our contemporaries about whether the President actually issued the orders to his Congress leaders to jam through the proposed inheritance and corporation taxes as an addendum to the nuisance taxes. The evidence makes it obvious that Congress leaders thought he did, but he stirred up a tempest when he told the White House correspondents this was not true. As they had not heard him issue the orders they could not challenge his veracity. But what is more important than veracity is that the program was changed after a swift and surprisingly unanimous public condemnation of the speed with which it was being rushed through. Whatever one believes about these taxes, no one can argue that they should not be carefully studied. And the importance of veracity should not weigh in permitting that study, no matter what may have been decided to the contrary. So we are relieved that more time was given for the debate. But we also are disturbed by the poor judgment at the White House. The President apparently was told that he had Huey Long on the run because of the failure of his filibuster, and that the tax proposal would finish him off. Thereupon the haste was held necessary to prove the President's sincerity. When Louis Howe was at his desk such blunders were rare. In

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this instance, the blunder produced an immediate protest which was immediately heeded. This is the operation of democracy with no other machinery than the publication of news and editorials. In this respect Washington is the most sensitive capital in the world.

ABOUT FIFTY MEMBERS can be counted on in the House of Representatives to oppose any measure damaging to the public interest. Another fifty can be recruited by careful explanation of the issues at stake. But the Bland-Copeland ship subsidy bill rallied an opposition of 186, and was passed by only eight votes. The bill was scheduled for a three-hour debate, but the opposition managed to introduce enough amendments to prolong the discussion to fourteen hours. Only a few amendments were adopted, one to guarantee minimum wages to American sailors, and one to insure the adequate manning of American ships. But none of the amendments carved out of the bill the possibilities of continuous plunder by the shipping interests. As passed, it frustrates the President in his intention that future subsidies should be open and limited, and it represents a clear case of subversive conduct by Secretary Roper, who gave it his official blessing. It is impossible at this writing to forecast the future of the bill in the Senate. Twice Senator Copeland has been defeated in an attempt to bring it up for debate, and it may turn out that the bill has been killed by the close vote in the House. This will not save the Treasury from paying out the public money on a profligate scale to the shipping lines, as the mail contracts are still in force. These the President has power until October to cancel, but he hesitates to invite the litigation which would follow. Congress would do well to pass a resolution closing the courts to all companies which can be shown to have won their mail contracts by collusion or rigged bidding.

PASSAGE of the Wagner labor-disputes bill has prompted certain of the larger corporations to make frantic efforts to transform their "employee-representation plans" into "independent" labor unions. Various tactics are being used, though we suspect that in each instance the purpose is the same. Taking advantage of the few days' grace provided while the differences between the Senate and House bills were ironed out in conference, the New York Telephone Company approached the officers of one of its old company unions with the magnanimous offer to donate $500 to cover the expenses of establishing a new organization—free from company influence. The suggestion was accompanied by a saccharine statement pointing to the achievements of the employee-representation plan and expressing the desire of the company to conserve these gains even though the form of organization would have to be changed. We anticipate a real fight if the new labor board should attempt to force corporations of this type to conform to the spirit as well as the letter of the law, but unless it does, the new act may easily degenerate into another Section 7-a.

THE PECULIAR INSANITY which afflicts the Administration when dealing with the precious metals has never been more clearly manifest than in the preparation of a subterranean vault at Fort Knox, Kentucky, to protect our huge gold stock against foreign invasion. Just what enemy is likely to occupy New York and Philadelphia, and what arrangements that power would make for the removal of some tens of thousands of tons of gold and silver is not disclosed. Nor is it stated why the gold is to be transferred while some ten to twelve million persons are left at the mercy of the enemy. Instead, we are to take comfort in the fact that foreign airplanes will find the flight across the Appalachians a "treacherous" one, and that there is a mechanized cavalry detachment of 1,300 men on duty at Fort Knox to fight off the invader. However, the economic implications of the step are more disturbing than the military. For nearly twenty years the United States has systematically stripped gold from debtor nations. And though it has obtained more than two-fifths of the world's supply, it has consistently refused to alter its policies so as to permit a needed redistribution. Gold, apparently, is no longer to be treated as a medium of exchange, valuable chiefly for the goods and services which it can command, but is to be buried in the earth in some central location and defended by the army as a symbol of our national wealth. We have only one suggestion to make: that one day each year the President and the Secretary of the Treasury, guarded by a regiment of marines, betake themselves to Fort Knox and conduct a ceremonial counting of the gold, the proceeding to be broadcast over a nation-wide hook-up.

FIFTY MILLIONS are to be spent by the newly founded National Youth Administration, set up by the President under the direction of Miss Josephine Roche and Aubrey Williams. Thus the government enters the field with an appeal to youth before the demagogues have come around to it, and we can only wish it every success. The money is to be used for four purposes: to find employment for young people, to train or retrain them, to create work projects suitable for them, and to continue a certain number of students in colleges and universities. One of the work-relief projects will be a national census of the status of all young people between sixteen and twenty-five. This strikes us as the most important of all the plans, since it will provide the information, now wholly lacking, of what is happening to young people in the depression. When that picture is complete, it will be for the government to discover what can be done to solve a tragic problem. At that stage much more than fifty million dollars will have to be spent. The plight of young people is perhaps the most dangerous aspect of the present crisis, and the indifference to it of most older people has been ominous. If democracy is to be saved, it will be by the rising generation, whose parents have not made it any too secure. Yet the only hope held out to the young has been that somehow old times would come back and give them something to live for. If democracy does not enlist youth, fascism can and will.

A REMARKABLE VICTORY for a courageous peace policy has been won in the British Peace Ballot, now concluded after a six months' campaign. Though it was an unofficial referendum, 40 per cent of the electorate took part in it, and gave such a clear expression of conviction that it will be hard for the government to disregard it. The votes cast numbered 11,627,765, only 300,000 short of the number given the National Government in 1931. On the question of Britain's remaining a member of the League of Nations, 11,000,000 answered in the affirmative and only 350,000

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were opposed, despite the rabid propaganda of the Beaverbrook press for isolationism on the American pattern. Ten and a half million favored all-round reduction of armaments; a like number voted against the manufacture and sale of munitions for private profit. The vote on the application of sanctions against the aggressor was closer. The great majority favored economic sanctions, and while two million could not make up their minds about military sanctions, the vote was 6,784,368 for them and 2,351,981 against. Nearly half the voters of Great Britain now have squarely faced a series of the major questions before the British government and have given their answers. As an educational device, valuable for politicians and public alike, we commend the experiment to the American peace organizations.

THE BEST ADVICE we can offer District Attorney William C. Dodge of New York County is to resign. He has done nothing about the guaranteed-mortgage racket, the vice and gambling racket, the poultry racket, or the Welfare Island scandal. The evidence in each case is massive, official, and of long standing. Mr. Dodge's indifference to the Welfare Island situation is especially inexcusable. The July, 1933, grand jury found "conditions of apparently grave mismanagement . . . covering lack of proper supervision of prisoners, traffic in contraband, unreasonable and uncalled-for fraternizing among prisoners, inadequate prison rules for discipline, haphazard and irregularly timed inspections of cells for weapons, etc." The grand jury asked for "a very thorough and painstaking investigation," but according to Foreman Robert Appleton, "nothing was ever really done." Governor Lehman's "suggestion" to Mr. Dodge that he appoint the able Thomas E. Dewey as a special investigator to look into the vice and gambling racket was polite and long overdue. The available facts call for more. They call for the resignation of a man whose official life, to put it mildly, has been characterized by stubborn indifference to the public welfare.

HUGH JOHNSON has consented to give a series of performances in New York City under the auspices of the Works Progress Administration. It is a charity engagement for which the veteran of many roles will receive nothing but $25 a day for expenses. He will remain until October 1 and he will be required to spend $5,000,000 a week—and a total of $220,000,000—which is New York City's quota of the federal work-relief program. In making the appointment the Administration followed a policy inaugurated early in its career of turning projects over to people who have strong doubts that they will work. General Johnson's daily column in the New York *World-Telegram*, which appeared on the streets at about the same time as its author, discredited the whole work-relief program in typical Johnsonian periods as "$4,000,000,000 worth of boondoggling" so devised as to prevent any useful and permanent projects from being undertaken. As for his other qualifications, he told "the boys" from the newspapers that frankly he didn't know a thing about his new job; and even after a conference with Mayor LaGuardia the General repeated that he really didn't know anything about the job and that it would be ten days or two weeks before he got his bearings. Evidently his New York run, like his NRA engagement, will be a series of spontaneous combustions. On the day after his arrival the Blue Eagle Guy was initiated into the Circus Saints and Sinners at a session whose hilarity and disorder reminded him, he said, of nothing so much as the New Deal in June, 1933. We should be accused of solemnity, no doubt, if we suggested that there must be experts in the New York City relief set-up who already know a thing or two about the job and could handle it more efficiently than the noisy and innocent Mr. Johnson. But we are hereby the first to admit that for hilarity and disorder he cannot be surpassed—and comic relief perhaps is better than none.

THE NATIONAL GUARD has been called out in Tacoma, Washington, with the usual results in tear-gas attacks and "strike riots" in which, by some strange chance, only strikers get seriously hurt. And what is the National Guard doing? It is protecting the "right to work" of a few strike-breakers against the unkind opposition of 40,000 lumber workers, most of whom have undoubtedly spent their best years in the industry, who have been on strike for almost two months for decent working conditions. The lumber walk-out is being run by the rank-and-file of the Sawmill and Timber Workers' Union. At a conference in June 400 rank-and-file delegates repudiated the reactionary A. F. of L. leadership of their vice-president, Abe Muir, and put an end to the policy of separate agreements by which Muir and his select strike committee had "settled" mill after mill for 50 cents an hour, the forty-hour week, and no recognition. Most of the "settled" mills have struck again and the strikers are making their original demands for 75 cents an hour, the thirty-hour week, and, above all, union recognition. The longshoremen have already announced that no ships will be loaded as long as the guardsmen remain in the city, and there is talk of a general strike. It is highly possible that Tacoma may be the scene this summer, as San Francisco was last, of a long-drawn-out and violent struggle.

WASHINGTON is to have its own anti-red laws. By a rider to the District of Columbia appropriations bill, none of the money appropriated may be used to pay the salary of any teacher "teaching or advocating communism." The rider was introduced by Representative Cannon, Democrat, of Missouri at the close of a day's session, was passed without notice or debate, and has been signed by the President. The act does not distinguish between the advocacy of communism in the schools and the exercise of a teacher's ordinary political rights outside school hours. It provides no hearing for the teacher accused of "teaching or advocating communism." It does not define communism. And it gives no definition of teaching. Will it be "teaching communism" to answer a child's question about the Russian government? It was for just this, in 1919, that Alice Wood, a Washington high-school teacher, was suspended without pay. The school board which suspended Miss Wood (the president of the board was the president of the Capital Traction Company) was reversed by the District Supreme Court, which held suspension without a hearing to be illegal. But the court gave no opinion on the right of the student to ask, and of the teacher to answer, a question about a contemporary government. Later the board issued a rule forbidding mention in current-events classes of "bolshevism and similar heresies." To the list of "similar heresies," the League of Nations was presently added.

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Can Labor Enforce the Wagner Bill?

AFTER a year and a half of sharp struggle labor at last has its Wagner law, which, if hardly the Magna Charta it has been advertised to be, does open wide the door to collective bargaining. It is first of all a defensive measure, designed to create a balance of "equality of bargaining power" in industry, and though it provides for enforcement, the real responsibility for making it effective rests, as it should rest, with labor itself. Enforcement will provoke major battles in basic industries—steel, automobiles, rubber—where the law promises to refuel the self-organizing movement which was fired by Section 7-a. Labor in these industries is not yet mature enough to use the new opportunities, and the American Federation of Labor is so paralyzed by craft-union traditions that it cannot now offer real leadership. So the first question after the passage of the Wagner law must be how much use can be made of it.

This is a question of great national importance. Only if it is satisfactorily answered can there be a labor movement in this country, let alone the labor party recommended by Louis Waldman at the Tamiment Economic and Social Institute. "It is up to the American Federation of Labor," he said, "to take the lead in this party. Indications are rapidly accumulating that before very long the A. F. of L. will be compelled to take the initiative to this end." But a deep river has to be crossed before there is a labor movement or a party growing out of it. Industrial unionism has to be established, and the A. F. of L. has either to change its whole mind and nature or renounce the work altogether, leaving it to those better fitted to carry it through. There are indications that the A. F. of L., instead of taking the lead in forming a labor party, may even rescind its San Francisco resolution for industrial unions in basic industries. At present, obstructing its own resolution, the A. F. of L. is blocking industrial-union organization in basic industries, at the cost of any organization at all. John L. Lewis, of the industrially organized miners, pressed for industrial unions in six major industries, but in the A. F. of L. council got one vote beside his own. The A. F. of L. has no single-minded program, with organizers and money to back it, for such purposes. It represents a futile, frightened, selfish right wing as against a weak left-wing rank-and-file movement. And rank-and-file leaders are so inexperienced, and so worn down by fighting their own officials as well as the powerful forces of great industrial management, that they have met heavy defeats.

Labor will enter the battle area of the basic industries to find company unions firmly established. The employers have recognized the approaching danger, and with the help of the President have successfully played for time to intrench themselves. Arthur Young, vice-president of United States Steel, in the revealing letter published by *The Nation*, called company unions "fences pretty securely set up." It will be no easy matter to tear these "fences" down. It cannot be done at all unless labor can organize, and it cannot organize unless it is led and financed. So that is the first great problem to be solved.

The second is the question of constitutionality. Obviously this fight in the basic industries will be further postponed by an early start on the tedious road of appeal to the Supreme Court. It is no secret that the proponents of the law, despite brave citations of the Texas and New Orleans, the Bedford Stone Cutters, and the Coronado cases, are afraid of the court. If they lose, the decision may come early next summer, in time for the issue, along with other adverse rulings on New Deal legislation, to create a demand in the next campaign for amendment of the Constitution. If that is to be the future, the passage of the Wagner law will be only the beginning of a still longer fight, and two years or more may pass before it begins to be genuinely effective. This is disheartening, but it is not unreasonable. The law, by legalizing collective bargaining, makes possible an ultimate shift in economic power from employers to workers. This is a fundamental change, and if effected it will be the most important that has been made in a democratic direction since the rise of the great corporations to their dominating position. Naturally it will be fought by them by every known device of obstruction and beguilement. They know what is at stake, and while they have been beaten in Congress they have only retreated, and are far too powerful to surrender after a minor setback. So we are not too sanguine merely because the Wagner bill has finally been enacted. It is a preliminary victory only. It cannot become a final success until two great transformations have been effected. One is the reconstruction of the American Federation of Labor (or its resignation from leadership); the other is the winning of the legal right for the nation as such to decide its economic destiny.

It is taken for granted that Francis Biddle will be chairman of the new board, carrying over with him the personnel of the National Labor Relations Board. He has been vigorous and courageous, and has fought successfully for the board's independent status, even against the A. F. of L. and Secretary Perkins. His first difficulty will be in maintaining the board's prestige while the greater issues of its future and scope are fought out in American life. The board will be flooded by disputes, not many of them suitable as cases to go to the courts to become the basis of labor law. Unless he can obtain settlement of the majority of legally "doubtful" cases, his board will gain the reputation of impotence and inefficiency. This situation makes it imperative that the board have a strong secretary, which it has not had since Dr. Leiserson left. Regional boards and labor unions alike have an interest in seeing this work in the hands of someone with special talents and experience. The cry throughout the campaign for this law was that the board which administers it should be staffed by courageous men, and that it should be utterly independent. In all respects the campaign has succeeded. In so far as such a law needs teeth this one has them; the appointment of Chairman Biddle and his associates of the NLRB will satisfy the public that the board is competent; and it has its independent status. For this success great credit is due to Senator Wagner, who has contributed his share to what may become one of the historic laws of the country.

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The Tax Fiasco

IN its "share-the-wealth" tax program the Administration has followed what has become an established pattern. First the President makes a pronouncement setting forth the fundamental principles behind a needed reform in terms so sweeping and courageous that he fires the imagination of the country. This creates a demand for immediate action. Then concrete proposals are brought forth which fall far short of the bold concepts contained in the pronouncement. Thereupon public interest subsides, and the final action is little more than a travesty of the principles originally set forth. When the President spoke of driving the "money changers out of the temple" in his inaugural address, the American people were prepared either for outright nationalization of the banks or for drastic reform of the entire banking structure. But neither the Banking Act of 1933 nor the bill before Congress, as now modified, fundamentally challenges the power of the money changers. The NRA was blazoned forth as a means of raising the purchasing power of the working class. Once more the whole country was electrified, but, as one will note by reference to *The Nation* Index of Labor Welfare published elsewhere in this issue, its effect in that direction was negligible. There was perhaps an even greater gulf between the President's inspiring words on social security and the Administration's bill just passed by Congress.

So it is with social taxation. No action could be more consistent with the philosophy of the New Deal as it is understood by the great majority of people than a redistribution of wealth through a socially conceived tax program. From time to time the President has held out promises that this would ultimately be done, though it was difficult to see why he should allow more than two years to elapse before initiating the most-needed reform of the day. His message of June 19 appeared to open the way for specific action. When he declared that "the transmission from generation to generation of vast fortunes . . . is not consistent with the ideals and sentiments of the American people," it was assumed that he understood the implication of his words and was prepared to sponsor far-reaching legislation. Probably that large section of the public which reads only headlines still believes that the President's program will place a large share of the cost of government on the shoulders of the wealthy.

But as outlined by Senator Harrison the new tax proposals will yield only $340,000,000 out of a total government revenue of over $4,000,000,000. Since $1,100,000,000 is received in income taxes and from $30,000,000 to $50,000,000 in estate duties, it is clear that the bulk of our tax revenue will be raised by levies on consumption—paid by the masses. The most conspicuous omission in the new program is the failure to increase the tax on well-to-do and wealthy groups with annual incomes of from $5,000 to $1,000,000. It is only through a much higher levy on these groups that the fundamental defect in our economic structure—the tendency for savings to outrun investments—can be rectified. Incomes of from $15,000 to $20,000 are more than adequate to meet the physical and cultural requirements of an American family. Recent studies show that families with incomes of $20,000 and over save, in the aggregate, more than half their incomes. Despite the Administration's "share-the-wealth" plan, individuals with an annual income of $25,000 will pay a total tax of less than $3,000, while those with $100,000 will continue to have a tidy sum of $68,000 to meet personal expenses.

This is not social taxation. It is estimated that if the British tax rate had been applied in this country in 1928, the federal government could have obtained $5,750,000,000, five times as much as was collected. An income of $10,000 pays two and a half times as large a tax in England as in this country, while one of $15,000 contributes three times as much. Even if the new taxes are adopted, a $2,000,000 income will pay $70,000 less than in Britain.

The British also go much farther in taxing inheritances. An English estate of $500,000 is assessed $100,000, and the recipients of the legacy are subject to an additional tax. At present the same estate in this country would pay about $60,000 with no further levy on recipients. The new Roosevelt tax on this estate would be an additional $6,000 if it passed entirely to one individual—hardly enough to prevent economic power from being transmitted from one generation to the next. Only the very largest estates would be drastically scaled down, and they still would remain far larger than is socially desirable. It would appear that the Administration is seeking to exploit the full political advantages of a program of social taxation without alienating the wealthy. Our hope is that progressives in Congress will take advantage of the two months reluctantly conceded for consideration of the program to force through taxation which fulfils the President's inspiring promises.

Modern Painting

IT is a curious fact that as modern literature became somber *modern painting* became gay. Or if it be objected that "gay" is not exactly the right word—as in the case of Cézanne, for example, it certainly is not—then at least it became very conspicuously "happy" in the special technical sense that it achieved an amazing adequacy and completeness of expression probably unparalleled at the time in any other form of art. Perhaps the fact is most striking to those laymen who are habitually more aware of the tone of modern literature, but it strikes one with full force in glancing at a new and handsome "Portfolio of Modern French Art."*

This collection, which begins far back with David and comes down almost to the present, reveals a steady progress, at least up to Cézanne and Van Gogh, not only in boldness and mastery of execution but in joyousness as well. The stately if somewhat conventional sereneness of David gives way to the intensity of Manet; that in turn to the happy sensuousness of Renoir and, the whole reaching a climax, to the intoxicated ecstasy of Cézanne and Van Gogh. Perhaps there is a suggestion of mere legerdemain in Matisse, of frivolity in Pascin, of imitativeness in Derain. Perhaps there are indications in their work that the movement is almost finished. But whether it is or is not, there is

*"The Vanity Fair Portfolio of Modern French Art." Condé Nast Publications. $12.

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an indescribable air of permanence about the pictures. Styles may change; their aims and mood may come to seem definitely part of a past which has ceased to be active. But it is almost as hard to imagine them no longer interesting as it is to imagine the same thing of—if one insists upon leaving out the very greatest—the work of Botticelli or Mantegna. Moreover, in both cases the air of permanence seems to come from the same thing—from the fact that what their creators had to say is so definitely and completely stated. It is not merely because they were original and bold and ingenious, but because both their particular vision of what certain fragments of the world could be made to look like and their delight in this vision seem so adequately communicated once and for all.

To most students the literature of the late nineteenth and early twentieth centuries does not seem to have this same air of permanence. Its creators broke ground possibly quite as new as that so successfully cultivated by the painters. They were also equally bold, equally sincere, and, in addition, they were quite possibly faced with more difficult problems. But few if any of their works seem as completely achieved, as near to complete mastery. They are uncertain, troubled, and dubious. They did not know so well as their writing predecessors or their painting contemporaries what they believed, what task they wanted to accomplish, or even what they believed to be good and true and beautiful. And for all these reasons it may be well doubted if they will last as the painters will. They are not classic in the sense that they accomplished a task so well that one cannot imagine that particular task better done.

Perhaps this is only another way of saying that they were not, like the painters, "happy" in either of two senses. They were not happy artists in the technical sense of being artists who found completely felicitous means of giving expression to the weight of their emotions. Neither were they, for the most part, men capable of taking any persistent or consistent delight in the world presented to their intellect and their senses. Man did not delight them nor woman neither. They were discontented, protesting, rebellious. They doubted if the game was worth the candle. And they did not even put dislike or hate in perfect or enduring form.

As men, Cézanne and Van Gogh and Gauguin were not contented either. Utrillo went mad and Pascin committed suicide under peculiarly messy circumstances. But if they were tortured men it is not their torture which finds direct expression in their work; it is the triumphant vision into which the torture had goaded them. And looking at the joyous statements in their work one is tempted to say of them what Beethoven said of himself. They crushed the grape for the joy of men and it is joy one gets in contemplating their pictures. Most important of all, perhaps, is the fact that the best of them loved their visible world. Their torture was not the torture which comes from hating but, like that of Van Gogh, the result of an agony lest they should find themselves unable to set down some adequate representation of their almost unbearable delight in what they saw. Has any really great modern writer been able sincerely to exclaim, "O brave new world," or to feel that "it was joy in that time to be alive"? But the world of the painters was a brave new world—brighter, more intense, and more exhilarating than that which anyone else had had the wit to glimpse since the Renaissance.

The Abyssinian Gamble

CAPTAIN ANTHONY EDEN was made minister in the new British government "for League of Nations affairs." One of his first acts in that capacity was to visit Mussolini to discuss Abyssinia, a member of the League. According to the *Herald Tribune,* he "is said to have worked along the line of a territorial grant, economic concessions, and the right to trade routes and a railway line for Italy in the African empire." Another report is that Britain offered concessions to Italy for Mussolini's acceptance of Anglo-German naval agreement, while France offered them to induce Mussolini to oppose that agreement. A Rome dispatch of the United Press begins: "Authoritative sources intimated today that European powers had agreed to partition among them, in the name of civilization, the Ethiopian empire." Authoritatively, too, it is stated that Mussolini can accept nothing less than a protectorate over Abyssinia. Another cable suggests that Eden's first preoccupation is to find some way for Italy to remain a member of the League when at war with Abyssinia, and that the method will be to declare Abyssinia in default of its obligations to abolish slavery. As a footnote to these cables comes one from The Hague, where a mixed commission is studying Italian and Abyssinian arguments as to the incidents which precipitated the "crisis."

These cables complete a distressing picture. Only the weakest machinery of conciliation is at work, while the League is being circumvented by the very persons charged with making it effective, and the theft of empire is proceeding in the traditional manner. Mussolini is following the successful pattern of Japan in Manchoukuo. He is more raucous about it, but that satisfies the formula. The more a nation can stake its prestige, the more it wins the right to be left alone by other nations. Either Italy will be at war with Abyssinia by October, or Emperor Haile Selassi must yield what Italy might win in a war.

It now becomes a matter of great concern to keep the record clear, to see that any charge used as a pretext for action against Abyssinia is proved to the hilt. If the slavery charge is chosen, it will be difficult to establish. Abyssinia is under a pledge to "endeavor to secure complete suppression of slavery in all its forms and of slave trade by land and sea." In fulfilling this pledge the Emperor has issued important decrees, making substantial progress toward its abolition. His latest report to the League showed the liberation in a year of 3,647 slaves and sentences in 293 cases for violation of laws against slavery. It would be mockery for Italy to "civilize" Abyssinia in this respect, as slavery in a form admitted by Italy itself to be economic servitude flourishes in Libya. Its abolition in this part of Africa is not to be effected by a mere emancipation proclamation.

Private information from Italy tells of increasing economic pressure and the fear that a capital levy disguised as a forced loan is inevitable. Mussolini was advised by most business leaders against the Abyssinia adventure and refused to listen. Now the prospect of an African war is arousing little enthusiasm. The public does not like it and the soldiers like it still less. It occurs to us that Mussolini likes it least of all.

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Issues and Men

Russian Progress at Home—Enmity Abroad

THE news from Russia continues astoundingly favorable. After having averted its face again and again, nature seems now to have determined to do all it possibly can to aid the Soviets in achieving success. A bumper harvest is expected for this year. On June 1 there had been sown to grain no less than 220,000,000 acres out of a possible 224,000,000. "Qualified foreign observers," the New York *Times* reports from Moscow, agree with the Soviet authorities that nearly the whole possible crop has now been planted, and very well planted—"better than ever before"—with the aid of 99,000 new tractors, while 21,000 new combines are waiting to help in the harvesting. Moreover, heavy and frequent rains occurred all through April and May, and there is moisture enough in the ground in all parts of the Soviet Union to carry the crop through even if there should be a severe drought from now on. The planting of cotton, sugar beets, and garden truck has also been very well done, but it is admitted that there is still some resistance to collective farming and a good deal of sabotage. There is every prospect that the total crop will be much larger than that of last year, which was four million metric tons ahead of 1933. "The Soviet socialization of agriculture, which has caused such bitter struggles in the past," concludes the dispatch in the *Times,* "is now practically accomplished."

Equally remarkable is the gold production. In two years it is expected to surpass that of the Transvaal in South Africa, according to the Director of the Soviet Gold Mining Trust now in the United States to buy more mining machinery. He declared that the Soviets are producing 15,000 kilograms of gold monthly against 11,000 kilograms a month last year. The Soviet iron and steel industry, incredible as it seems, has already equaled or passed the German, and if the same rapid growth continues and our steel and iron industry continues slack, it may be only a few years before the Soviets will claim that they have achieved the largest iron and steel production in the world. These are staggering accomplishments. However one may feel about the Soviet system and however high seems the price that has been paid in human lives for this forced industrialization of Russia in the less than twenty years since the revolution, it remains a stupendous record. Looked at simply as an engineering and industrial feat, it stands without parallel. The great creative forces of the nation, which were locked up under the Czar, are released. Prometheus is unbound.

In other fields also the progress of the Soviets is startling, notably in scientific research. Their zeal in this field was illustrated the other day by their refusal to allow a great Russian scientist to continue to teach and work at Cambridge University. He was ordered home to teach there. In medicine, in meteorology, in the social sciences, in social reform, the progress is extraordinary. And in diplomatic relations the Bolsheviks have scored one success after another—the renewal of diplomatic relations with the United States, the recent treaties with Rumania, Poland, and Czecho-Slovakia, the alliance with France, and their entrance into the League of Nations. These are achievements indeed, even if much of the credit must go to Adolf Hitler.

Yet it is a curious fact that the greater the industrial and economic success of the Soviets, the greater will be their danger from the outside world. The more rapidly, for example, they strengthen their munitions industry and improve their army, the greater the temptation to the Japanese to strike at them from Manchuria before it becomes no longer possible to do so with any hope of victory. The greater their success in establishing the communist state, the more readily will conservatives and reactionaries in Europe listen to talk of a holy war to do away with the "menace to home, family, and church"—and private property. For the masters of privilege everywhere are quite aware that if Russia builds a state in which there is a greater diffusion of wealth and comfort and a greater security of living for the masses than elsewhere, the workers of other countries will insist on receiving the same kind of treatment, on having the same form of government. Hitler particularly understands this; he and others, like our own Hearst, know that what they say about starvation and misery in Russia is either not founded on fact or is grossly exaggerated. Hitler himself is debarred from attacking Russia at its most vulnerable points—the dictatorship, the suppression of individual liberty, free press, and free speech, and the wholesale, brutal execution and exiling of those who oppose the government—because he is vulnerable at precisely the same points himself. It is necessary therefore for him to fill the air with attacks upon communism, although his original twenty-six-plank platform was almost as communistic as that of the Bolsheviks.

How largely the element of private property enters in is deducible from the difference in the attitude of conservative church groups toward Germany and toward Russia. Hitler is deliberately seeking to destroy the Protestant and Catholic churches and is setting up a new pagan church in which the old Germanic gods are to be worshiped. Yet the press of Europe and the United States has in no degree raged against the godless German government as it has against the godless Bolsheviks. The answer is that Hitler still stands for private property and that his denunciations of Moscow delight the clubmen on Fifth Avenue and Pall Mall.

Hence, the greater the success of the Soviets in building up a powerful industrial state and actually beating capitalism at its own game, the greater will be the rage against them abroad, the desire to see them collapse, and the willingness to aid Hitler and the Japanese to attack Russia on two fronts. The threat of this, of course, drives the Soviets in turn to increase the speed of their industrialization and militarization program. A vicious circle indeed!

Oswald Garrison Villard

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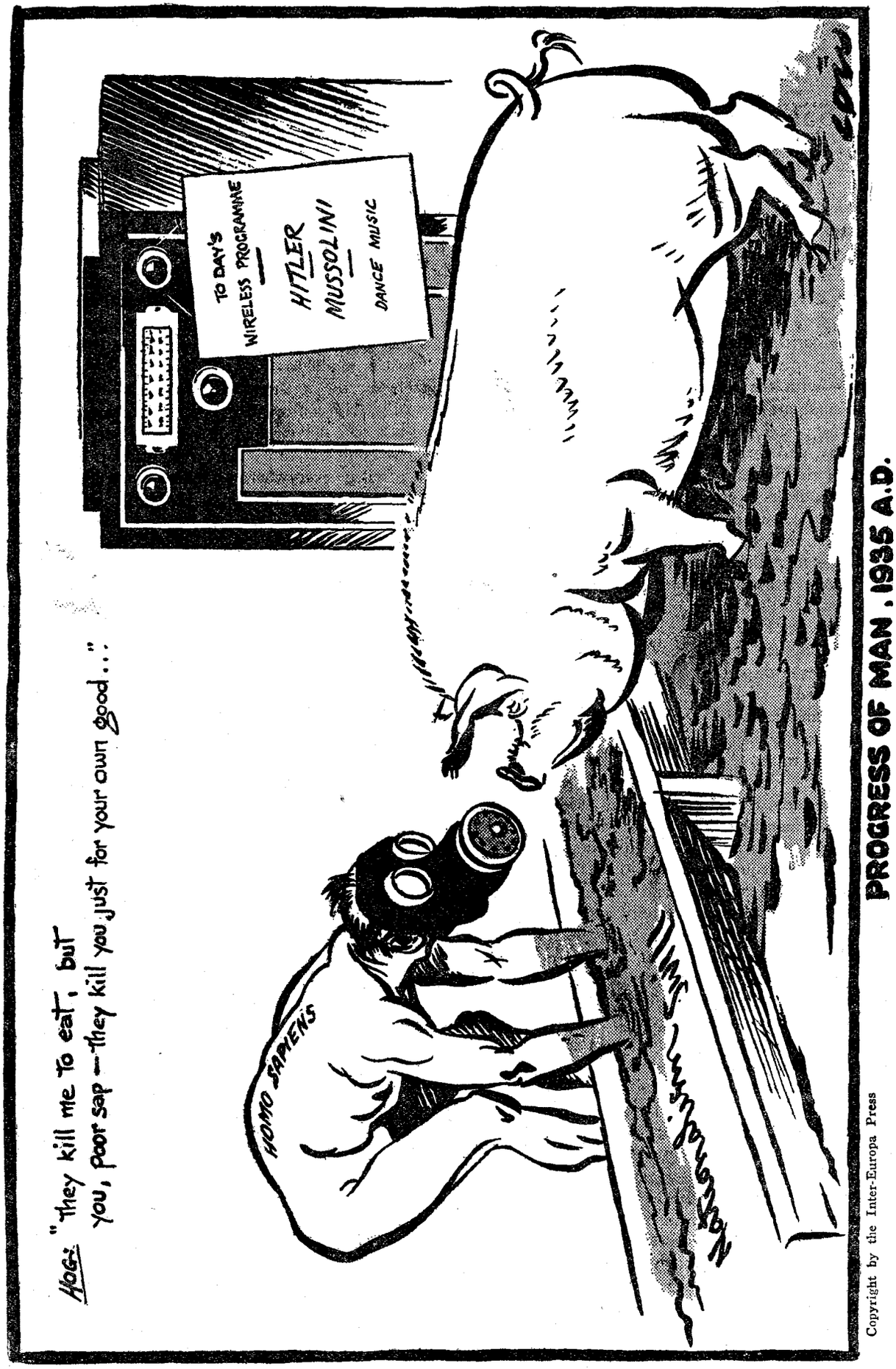
A Cartoon by LOW



Hog: "They kill me to eat, but you, poor sap—they kill you just for your own good..."

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Freedom and Government

By GEORGE BERNARD SHAW

[*The following speech by Mr. Shaw was made in London and transmitted over the nation-wide network of the Columbia Broadcasting System on June 18, between 5 and 5:30 p.m. He spoke in the weekly series on "Freedom" arranged by the British Broadcasting Corporation and short-waved to the United States. The New York* Times *and* Herald Tribune *did not think it worth while to give his speech any space the following day. We are herewith printing the speech with the kind permission of Mr. Shaw and the Columbia Broadcasting System.*—EDITORS THE NATION.]

LADIES AND GENTLEMEN: I have no time to talk to you of any nonsense about freedom tonight. Let's come to business. How can you tell a free person—a person who can do what he likes when he likes and where he likes, or do nothing at all as he chooses? Well, there is no such person, and there never can be any such person. Whether we like it or not, we must wash and dress and undress, we must spend a couple of hours eating and drinking, we must spend nearly as much in getting about from place to place—for half the day we are slaves to necessities which we cannot shirk. As we must eat, we must first provide food; as we must sleep, we must have beds and bedding; as we must walk through the streets, we must have clothes to cover our nakedness.

Now food and houses and clothes can be produced by human labor, but when they are produced they can be stolen. If you like honey you can let the bees produce it, and then steal it from them. If you are too lazy to get about from place to place on your own legs you can make a slave of a horse. And what you do to a horse or a bee, you can also do to a man or a woman or a child. You can get the upper hand of them by force, or trickery of any sort, or even by teaching them that it is their religious duty to sacrifice their freedom to yours. So beware! If you allow any person or class of persons to get the upper hand of you, they will shift all that can be shifted on to your shoulders, and you will find yourself working from eight to fourteen hours a day, when, if you had only yourself and your family to work for, you could do it quite comfortably in half the time or less. The object of all honest government should be to prevent your being imposed on in this way. But the object of most actual governments, I regret to say, is exactly the opposite: they enforce your slavery and call it freedom.

The natural slavery of man's nature forces you to eat and drink; and makes eating and drinking so pleasant that when we can afford it, we eat and drink too much. We must sleep or go mad—and then sleep is so pleasant that we have difficulty getting up in the morning. And families seem so pleasant that we get married and go on building societies. Thus, instead of resenting our natural wants as slavery, we take the greatest pleasure in their satisfaction, and we sing sentimental songs in praise of them.

The slavery of man to man is the very opposite of this; it is hatred of the body and of the spirit. Our poets do not praise it; they proclaim that no man is good enough to be another man's master. A student of the great Jewish prophets, a gentleman by the name of Marx, spent his life in proving that there is no extremity of selfish cruelty at which the slavery of man to man will stop, if it is not stopped by law. You can see for yourself that it produces a state of continual civil war, called a class war, between the slaves and their masters, organized into trade unions on the one side and employers' federations on the other.

St. Thomas Law, who has just been canonized, says we shall never have a peaceful and stable society until this struggle is ended by the abolition of slavery altogether; and the completion would enable man to do his share of the world's work with his own hands and brains.

Naturally, the master in parliaments, in schools, and in newspapers makes the most desperate efforts to prevent us from realizing our slavery. From our earliest years we are taught that our country is the land of the free. And was not freedom's influence before us when we defeated the Spanish Armada, when we cut off King Charles's head, when we won the Battle of Waterloo, and when, only the other day, we quite unintentionally changed the German, Austrian, Russian, and Ottoman empires into republics?

When we grow old enough to vote, we are told that we have the wage boards, free education, and the New Deal and the dole; and what more could any reasonable man ask for? We learn that the rich are taxed a quarter, a third or even a half of their total incomes. But the poor are never reminded that they have to pay that much of their wages as rent, in addition to having to work twice as long as they would need to if they were free.

Whenever famous writers protest against this imposture—say, Voltaire and Rousseau and Tom Paine in the eighteenth century, Karl Marx in the nineteenth, or Lenin and Trotzky in the twentieth—you are taught that they are atheists, libertines, murderers, and scoundrels. And it is made a criminal offense to buy or sell their books. If they make the slightest sign of a revolution, England immediately makes war on them and lends money to the other powers to join her in forcing the revolutionists to restore the slave altar. When this was successful at Waterloo, the victory was advertised as another triumph of British freedom. And the British wage slave, instead of going into mourning like Lord Byron, believed it all and cheered enthusiastically.

When the revolution wins, as it did in Russia in 1922, the fighting stops. But the abuse, the calumnies, the lies continue until the revolutionized state grows into a first-rate power. Then our diplomatists, after having for years denounced the revolution leaders as the most abominable tyrants, have to do a right turn and invite them to dinner.

Now though this class of humbug is made to delude the slave class only, it ends in deluding the master class much more completely. A gentleman, whose mind has been formed at a preparatory school for the sons of gentlemen, followed by a public school and a university course, is much more utterly taken in by the falsified history and dishonest political economy and the snobbery taught in these places, because the

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gentlemen's education teaches him that he is a very fine fellow, superior to the common run of men, whose duty it is to wash his clothes and carry his parcels. This entirely agrees with his view of himself. He honestly believes that the system which has placed him in such an agreeable situation and done such justice to his merits is the best of all possible systems and that he should shed his blood, and yours, to the last drop in its defense.

But the great mass of workers—underpaid, treated as inferiors, cast on the dole—cannot feel so sure about it as the gentleman. The facts are too harshly at hand. In hard times, such as we are now passing through, their disgust and despair sometimes lead them to kick over the traces, upset everything, and we have to be rescued from gangsterism by some poor young genius who has the fancy for being an emperor and has the courage and brains and tendency to jump at a chance. But the slaves who would give three cheers for the emperor might just as well have made a cross on a British or American ballot paper, as far as their food is concerned. Now so far I have mentioned nothing pertaining to historical facts, for that would lead me into controversy; and controversy would not be fair when you cannot answer me back. I am never controversial over the wireless.

Always remember that though nobody likes to be called a slave, it does not follow that slavery is a bad thing. Great men like Aristotle have felt that the power of government would be impossible unless the persons the people have to obey are beautifully dressed and decorated, speaking with a special accent, traveling in first-class carriages or in the most expensive cars, riding on the best-bred horses, never cleaning their own boots or doing anything for themselves that can possibly be done by ringing a bell and ordering some common person to do it. This leads, of course, to the fact that they must be rich, without any other obligation than to produce an impression of almost godlike superiority on the minds of the common people. In short, it is contended that you must make men ignorant and idolatrous before they can become obedient followers and law-abiding citizens.

When women were enfranchised and given the right to sit in Parliament, the first purpose was to defeat all the women candidates who stood for the freedom of the workers and had given devoted and distinguished service. They elected only one woman, a titled lady of great wealth and exceptionally fascinating personality. Now this, it is said, is human nature; and you cannot change human nature. On the other hand, it is maintained that human nature is the easiest thing in the world to change if you catch it young enough, and that the idolatry of the slave class for the mass class is entirely an artificial product of education and of a propaganda that plays upon our infants long before they ever leave their cradles. An opposite mentality can, it is argued, be produced by a contrary education and propaganda. You can turn the point in line for yourself. . . .

A practical question, if possible at all, is how the income of the whole country can best be distributed from day to day. If the answer is to cultivate an agriculture using mechanical plows and chemical fertilizers, and industrially insuring electrified factories full of machinery, the product may be so great that an equal distribution of it would provide enough to give the unskilled laborers as much as the managers and the men with the scientific set-up.

Do not forget, when you hear that the trends of modern machinery enable one girl to produce as much as a thousand men could produce in the reign of Good Queen Anne, that this marvelous increase in huge things makes noodles and steel pins and matches—nor that very young children may eat noodles eagerly, but the diet is not enough for them.

If you live in a civilized country your freedom is restricted, and you are forced by laws to do this and not to do that, and to pay rents and taxes. If you do not obey these laws the courts will imprison you and, if you go too far, kill you. If the laws are reasonable, you have no reason to complain, because they increase your freedom by protecting you against assault, highway robbery, and disorder generally. But as society is constituted at present there are other far more serious contentions. Your employer dictates the cut, color, and condition of your clothes, as well as your hours of work; he can turn you into the street at any moment to join the melancholy band of lost spirits called "the unemployed." In short, his power over you is far greater than that of any political group could be. Your only defense is to strike, which is only another form of starving on his doorstep until he does you justice. But as the police will not allow you to starve on your employer's doorstep, you must starve on your own if you have one. The extreme form of the strike—a general strike of all workers at the same moment—is also the extreme form of human folly, because if completely carried out it would extinguish all men, and the workers would be the first to perish. A general strike is trade unionism gone mad. Sane trade unionism would never sanction more than one big strike at a time, with all the other trades working overtime to support it.

If you have to work twelve hours a day, you have no freedom at all. If you work eight hours a day, you have four hours a day to do what you like with, subject to the laws of the land, and given enough money to buy an interesting book or pay for a seat at the pictures. But even here nature interferes, for if your eight hours' work has been of a hard, physical type and when you get home you want to spend your four hours in reading a book to improve your mind, you may find yourself fast asleep in a half minute and your brain remains in its present benighted condition.

We must change our politics before we get what we want; and meantime we must stop gassing about freedom, because the people in England do not know what freedom is—never having had it. They will always call freedom by its old English name of "leisure," and keep pounding for more leisure and more money to enjoy it in return for one's share of work. If you had your choice, would you work for eight hours a day and retire on a full pension at forty-five; or would you rather work four hours a day and continue to work until you were seventy years old? Now, don't send the answers to me, please! Talk it over with your wife.

Note on E. A. Robinson

By JOHN McALPIN BERRYMAN

He was forever walking
A little north
To watch the bare words stalking
Stiffly forth,
Frozen as they went
And flawless of heart within without comment.

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What to Do with the Supreme Court?

Fallacies About the Court

By MORRIS R. COHEN

THAT the people of the United States favor the NRA was made obvious by the unprecedented Congressional majority accorded to the Administration in the election of 1934. What, then, prevents Congress from passing a bill enlarging the Supreme Court with ten additional judges who, on a rehearing, are sure to vote for the constitutionality of the original act?

There is a general impression that this would be dishonest. Why so? Because, according to the traditional assumption, judges have nothing to do with making the law, their decisions following with logical necessity from "the solemn will of the people expressed in the Constitution," and if the results are bad, we should go through the laborious ordeal of changing the Constitution rather than the composition of the court. This view has so often been repeated that it is generally accepted as axiomatic. Nevertheless, it rests on a number of rather obvious fallacies.

1. That the judges merely find the meaning of the Constitution and in no way make or mold it has long been characterized among scientific jurists as a childish fiction. No one can seriously maintain that all of our constitutional law as to what constitutes interstate commerce, the police power of the states, or due process of law follows logically from the wording of the Constitution and has not been affected by the social, economic, and political opinions of different judges. The law took a different direction under Taney than under Marshall. Indeed, how could the people in 1789—or the small proportion of them who had the right to vote then—have foreseen all the modern inventions and made definite provisions for them? It is certainly not through anything written in the Constitution that the power to regulate interstate commerce includes the power to prohibit the sending of liquor into certain states but not the power to regulate insurance. A thousand similar distinctions may be mentioned which, whether justified or not by their practical consequences, are certainly judge-made and might have been different if other judges had ruled.

Specifically the NRA is declared unconstitutional because it delegates legislative power to the President. But the fact is that all effective legislation for the future must inevitably delegate some subsidiary lawmaking to the executive authority. Justices Stone and Cardozo recognized this and claimed that in this case there was too much delegation. But the line between proper and improper delegation is not laid down in the Constitution itself. Where to draw it is a question of political wisdom. Why should the courts rather than Congress determine it? The usual answer is that the Constitution declares itself to be the supreme law of the land, and its interpretation must therefore be left to the courts. This, however, cannot be consistently maintained. The Constitution provides that every state shall be guaranteed a republican form of government. What does that mean? In the Oregon case, when the issue was raised as to whether the referendum was compatible with a republican form of government, the Supreme Court declared it a political question and *not* for the courts to decide. There are in fact many express provisions of the Constitution which the courts cannot or dare not enforce. Thus for more than ten years Congress refused to obey the Constitution and to apportion representation according to the latest census. Would our courts have dared to declare the acts of the counter-constitutional congresses between 1922 and 1932 unconstitutional? Certainly not, though if they did so, they would be on logically firmer ground than in deciding that Congress could not pass a minimum-wage law for the District of Columbia.

The truth, then, is that constitutional law is just what judges make it. A leading conservative newspaper put it aptly when it said that the United States Supreme Court is a continuous constitutional convention. This it is in fact. But we do not generally recognize it, else we should demand that the work of this constitutional convention be ratified by the people before it goes into effect, or at any rate that the delegates be more responsive to, and in closer touch with, popular needs.

2. We are frequently told that the Constitution represents the eternal principles of justice, or at least those principles of liberty and right which are characteristic of Anglo-Saxon civilization. The first of these claims is obviously question-begging; specific decisions which strike people as unjust can certainly not be defended that way. The second claim is even more readily disposed of by the fact that our English cousins have never given their courts power to set aside legislation on grounds of unconstitutionality.

3. Quite fallacious also is the rhetorical argument that without this power vested in the courts we should be at the mercy of legislative majorities. This argument ignores the historic fact that in few, if any, actual cases have the majority of our people felt themselves saved from Congressional oppression by judicial intervention. On the contrary, Congress being more responsive to popular demand, our people as a whole have felt more resentment at being at the mercy of small judicial majorities than at being at the mercy of very large legislative majorities. Besides, the mischief of Congressional wrongs can be readily remedied at the next election, while the mischief of wrong judicial decisions in the name of the Constitution requires the laborious consent of two-thirds of each house of Congress and three-quarters of the state legislatures.

If we need watchers to protect us from bad legislation, why not watchers against bad judicial decisions? The fact is that the people of England, France, Switzerland, or the Scandinavian countries feel as free as we do, and their rights are as amply protected, without their courts having the power to set aside legislation as unconstitutional.

4. It is quite fallacious to argue that our system assures a maximum security of legal rights and thus encourages business enterprise. The actuality is rather the other way. In

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no other civilized country would people endure a legal system in which such a question as that of the legality of certain codes could remain undetermined for two years. In no other country also is there such a complete separation between power and responsibility as in ours, where those who have the final word on all questions of law are in no way answerable to the popular will or to any other earthly authority.

5. It is generally urged that the judicial veto over legislation has been in force since the case of Marbury vs. Madison in 1803 and it is too late to change it. This argument is historically untenable. What that famous case did decide was that the court would not issue a mandamus to compel a Democratic Secretary of State to deliver certain commissions to some Federalists, even though an act of Congress authorized it to do so. The actual decision was a quite satisfactory victory for the Democratic Administration and not something over which the country got excited. In his written opinion Marshall did, in the fashion of his day, indulge in speculations about constitutions written for all time and superior to acts of Congress; but most of it was mere dictum. It is obviously one thing for a court to refuse to follow a coordinate department of the government to constrain the Executive, and quite another to say to the people at large that they are under no obligation to obey a general law enacted by Congress. Marshall argued that judges swear to obey the Constitution and must therefore live up to their oath. But Members of Congress and the Executive likewise swear to obey the Constitution and must therefore also follow what they regard as the meaning of the Constitution. From the chaos which would follow a consistent adherence to the theory of three independent departments of the government we have been saved by the process of practical accommodation and the extra-legal party system.

The first case in which the Supreme Court exercised the right to set aside a law of general importance was the Dred Scott case, and the decision and the dicta in that case were repealed by force of arms. It is only in recent times that declaring acts of Congress unconstitutional may be said to have become a practice.

6. The subordination of Congress to the courts has often been defended on the ground that under this system we have greatly prospered. This is a rather naive example of the fallacy of *post hoc ergo propter hoc*. Our prosperity, if it is a fact, may be due to our unrivaled natural resources, to the practical skill of our people, and the like. And it may well be argued that our present depression is in part due to such judicial vetoes as those of the Lochner case, the Adair case, the child-labor cases, the minimum-wage cases, and others, which by depressing the economic power of the laboring classes have depressed our home markets.

7. When we realize that the important questions which come before our highest court involve political, economic, and technical issues, then if we lay aside pious rhetoric we must admit that far from being the strongest, the judiciary is the weakest part of our governmental system—for it has the least opportunity of getting adequate information. No one who wants to inform himself thoroughly on any question will be satisfied to do so on the basis of listening for a few hours to two lawyers who have submitted argumentative briefs.

8. Space does not permit discussion of the relation of our federal courts to state legislation. But if the virtue of a federal system be the opportunity for different experiments in different states, that virtue has been effectively minimized by the way in which the Supreme Court has turned the Fourteenth Amendment—intended by the people as a protection for the Negroes—into a prohibition of experiments in the field of social legislation.

The Supreme Court and Democracy

By LOUIS B. BOUDIN

The Constitution contains, *of course*, no provision which, in terms, deals in any way with the subject. [Mr. Justice Brandeis, in his dissenting opinion in Washington vs. Dawson and Company, 264 U. S. 219, decided February 25, 1924.]

IN attempting to find our bearings in the chaos and confusion created by the recent Supreme Court decisions, it is important, above all, that we understand clearly what it is all about. Unfortunately, most of the discussion follows channels least calculated to lead us to any solution of the fundamental problem. We are avoiding the real issues involved. Most of us—and this is particularly true of so-called "liberals"—are "constitutionally," that is, psychologically, unable to undertake a "revision," even a mental one, of the entire order of things given. As a result, we attempt to cover our basic confusion and utter impotence by futile and largely meaningless talk about a "liberal interpretation" of the Constitution or the necessity for its amendment.

This talk is beside the point. It proceeds upon the assumption that there is something in the Constitution which the judges have "interpreted illiberally," and that the difficulty is to be overcome by getting either some different provisions into the Constitution for the judges to "interpret" or a different set of judges, more "liberal" than the present ones, who will interpret the present provisions in a more liberal way. This is nonsense based on ignorance. Our main difficulty does not lie in the fact that the judges of the Supreme Court are not liberal enough, and it cannot be remedied by an amendment to the Constitution.

In the closing pages of my "Government by Judiciary" I ventured to dissent from the general chorus of approbation with which the then jubilant liberals had greeted the "new majority" of the Supreme Court, which was apparently steering the ship of state along a "new course." For this discordant note I was roundly abused by the liberals. Events have proved that I was the better prophet. But the word prophet puts it on the wrong foot. I am neither a prophet nor the son of a prophet. What I like is to get down to fundamentals in these matters. And one of the fundamentals of this situation is that it has nothing to do with the liberalism, so-called, of the judges of the Supreme Court. *I do not believe in a "liberal" Supreme Court.* The decision on the NIRA proves that I am right in that position. I must confess to deriving a certain malicious pleasure from contemplating the plight of the liberals in discussing that decision, in view of the unanimity of the judges. No more can "reactionary" judges be blamed. Justices Brandeis,

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Stone, and Cardozo, surely, are not reactionaries, at least not in the sense in which liberals use that term. No wonder our liberals don't know what has happened to them.

Given our present "Constitution," the word used in the Pickwickian sense in which it is used by the judges, the decision was eminently proper—proper even for a liberal judge to make, or at least to join in. (I make the qualification because of a theory I have as to why Justices Cardozo and Stone joined in the decision, which I cannot go into here.) If the Supreme Court is to have the power to declare acts of Congress unconstitutional, it could not have used it to better purpose than in killing the NIRA as it was "interpreted" by the Roosevelt Administration during the latter part of its existence. Apart from some special interests in and outside the Roosevelt Administration, I do not know of anyone who ought to shed a tear for the abolition of this vicious piece of governmental machinery. I say "machinery" not "legislation." It was not a beautiful piece of legislation, to start with. The best that could be said for it was that it was so vague and equivocal that with proper handling it could perhaps have been made to serve some useful purpose. As actually handled, particularly during the latter part of its existence, it was a source of oppression to the "little man" generally and of no use to the working class as a special interest. This undoubtedly helped bring about both the decision and the unanimity of the judges in rendering it. Another help was the manner in which the case was handled before the Supreme Court. I have read the government's brief, and I give it as my considered opinion that if a set of lawyers ever deserved the licking they got, those who represented the government in this all-important case richly deserved it.

Unfortunately, the decision was not limited to this case, and the thing condemned was not the NRA but the NIRA. And to do this, the Supreme Court had to find something in the Constitution on which to base the condemnation. Under the system of conventional make-believe which is our constitutional law judges cannot say that they declare a law invalid because they do not like it, either as written or as applied in practice. They must say that the Constitution forbids it. In small matters that is of no particular moment, for it does not stop them from upholding a similar law—similar, that is, in a constitutional sense—when they or their successors like it better. The technical term involved in the operation is known as "distinguishing" the one case from the other, and the process of separating what they like from what they don't like, as "pricking out a line of demarcation" between the good and the bad. But when it comes to fundamentals that becomes impossible. Of necessity, they must dig deep and build high. The result is that when they condemn the bad they make impossible the good.

The very nature of the democratic process is such that it does not admit of outside correctives. "The cure for the ills of democracy is more democracy," and this is more than an old-fashioned copy-book maxim. There is only one way to make bad laws impossible, and that is to make all new legislation impossible. And even that is not a sure preventive, for old laws may be put to new, and very *bad*, uses. And if new remedial laws are made impossible, we are much worse off than we would be under the worst regime of hasty, ill-considered and ill-digested, or even downright vicious legislation. That is exactly what has been happening to us under our system of government by judiciary.

That is why we are squirming under the new decisions of our real governors. It is not as if we had not been suffering under bad laws, for we have. Nor is it as if good new laws were permitted us. The recent decisions of the Supreme Court have not only put an end to Mr. Roosevelt's New Deal; they have made any New Deal impossible. That is the reason for the talk about amending the Constitution. And it brings us to the real point in the discussion.

The talk about amending the Constitution is on a par with the talk about liberal judges. It assumes that there is something in the present Constitution which says that the NIRA is unconstitutional. But this assumption is due to ignorance about the workings of our constitutional system—an ignorance fostered by one of the most gigantic propaganda machines the world has ever seen (it embraces not only every school and college textbook on history and government but every political party, including the Socialist Party). The truth is that there is nothing in the Constitution as it stands which forbids such legislation as the present NIRA. I say this in the face of the unanimous decision of the United States Supreme Court, and notwithstanding a warm admiration for some of its judges. For it must be remembered that "the Constitution" is a term of "art," as we lawyers say, which, translated into ordinary English, means "the Supreme Court."

The quotation at the head of this article is from the dissenting opinion of Mr. Justice Brandeis in a case in which the Supreme Court declared an act of Congress unconstitutional. Officially, and to the layman, it meant that the Constitution said that the particular thing should not be done. In reality, there was nothing about it in the Constitution. And to Mr. Justice Brandeis, speaking to lawyers, it was a matter of course that there should not be. Mr. Justice Brandeis was speaking of a particular case in which he disagreed with the majority of the court. But the same is true of the entire business of unconstitutionality. "Of course, there is nothing in the Constitution about all this," applies to all cases in which laws are declared unconstitutional, to cases in which Mr. Justice Brandeis joins the majority as well as to the other kind. It is true of the decision on the NIRA, in spite of the unanimity of the judges. What is more, I believe that Judge Brandeis, for one, would not seriously dispute it. When Mr. Justice Brandeis joins in declaring a law of Congress unconstitutional, he says in effect: Assuming the power of the Supreme Court to declare an act of Congress unconstitutional, and bearing in mind the uses to which this power has been put in the past by this court, I am of opinion that this law deserves to be annulled by putting it into the unconstitutional class.

Where does all this lead? For one thing, it leads to the irresistible conclusion that it is not only practically impossible to amend the Constitution, but almost useless. It is also very dangerous. For not only can amendments be interpreted away; they can also be made, by interpretation, a source of new and undreamed-of ills. In both respects the Fourteenth Amendment is a warning and an example.

There is only one way really to amend the Constitution and that is by depriving the Supreme Court of the power to declare acts of Congress unconstitutional. But this power, too, is "of course not in the Constitution." A

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formal amendment is therefore entirely unnecessary if we really mean business. And I venture to predict that this formal method of amendment will not be resorted to when the people of the United States get ready to make real democracy possible. I also venture to predict that although this will not be its immediate effect, it will ultimately prove to have been the "silver lining" of the present cloud.

The Value of Judicial Review

By OSMOND K. FRAENKEL

THE Schechter decision dramatizes an issue which has been pressing into prominence in American affairs. Whenever a particular social reform is urged upon a state legislature, the argument is advanced that enactment of such reform will drive industry from that state into others less solicitous for the workers' welfare. The progress of many reforms—especially the abolition of child labor—has been delayed by just such considerations; hence the need for federal action in the major fields of social betterment.

Through the years of the depression it has become increasingly evident not only that national economic planning is essential, but also that it cannot be accomplished except by federal action. During these years the country has willingly yielded wide powers to Washington. Probably it is unfortunate that the Administration did not propose the necessary constitutional changes at the height of its popularity, because there is serious danger that improvement in business will find the people unwilling to consider any far-reaching changes in the distribution of power in our federal system. Yet this is an issue which must sooner or later be met. Perhaps it will be solved by a reorganization of the states, perhaps by the vesting of greater powers in the central government. Fundamental constitutional change, by whatever method, is essential.

Whether or not change of this nature should include a limitation of the power of the courts to pass on constitutional issues has become a much-discussed question. The recent ruling that the Railway Pension Law violated the due-process clause, coupled with Chief Justice Hughes's statement on the possible bearing of that clause on some of the code provisions, shows the danger which exists. The current conception of due process has caused more havoc than has any other constitutional doctrine. It has doomed workmen's compensation, minimum wages, regulation of the hours of labor, regulation of various kinds of businesses, the establishment of railroad pensions, and a great variety of taxes. It is time the original meaning of the phrase, a purely procedural one, be restored. Without this change in the Constitution no real progress along the road of social reform is possible. Until it has been made, the Constitution will remain a bulwark of the capitalists' order; not until that time will it be possible to plan toward any degree of socialism. And were it once accomplished, it would probably be unnecessary to reform the court itself, for in spite of much argument to the contrary the Supreme Court has valuable constitutional functions to perform.

When the court upholds the rights of a minority, as in the Scottsboro case, or protects against arbitrary official action, as in the recent Humphrey case, it is performing those functions for which it was really intended and for which it is best qualified. The American people are by tradition distrustful of authority. They set up their tribunals to be independent in the hope that they would stand as champions of liberty against oppression. Too often the courts have failed, mistaking the privilege of the few for the liberty of the many. But today more than ever it is essential that we preserve and intensify the independence of the judiciary.

The suggestion that the Supreme Court be denied the right to declare acts of Congress unconstitutional covers both too much and too little ground. Its scope is too limited, because adopting it would do nothing to curb interference with desirable state laws by a decision, often over strong dissent, that the laws violated due process. It is too extensive, because there are many respects in which Congress should properly be subject to supervision. Today the court may still be relied upon, at least in peace times, to protect freedom of speech and other rights guaranteed by the first amendments. There are even provisions in the body of the Constitution itself—such as the right of each state to representation in the Senate—which, if infringed by act of Congress, the court should uphold. The mere fact that the judiciary in other countries exerts no such power constitutes no valid argument against the existence of this power under our peculiar conditions. And there have been times in the history of other countries when the existence of an independent court might well have been useful, if only as a deterrent.

Revision of the powers of the Supreme Court is unlikely to strip it of the right to uphold the particular form of government laid down in the Constitution; although, of course, that form may itself be the subject of amendment. And it was with the form of our government that the wider aspects of the Schechter case dealt. The decision that the NIRA delegated excessive powers to the President would probably never have been rendered during the latter part of the last century while the democratic tradition was in the ascendant. Even during the cumulative increase in administrative strength which characterized the post-war period, the Supreme Court never overthrew any act of Congress on the ground of excessive delegation. Yet the decision in the Schechter case should have been anticipated by the Administration after the recent "hot oil" case. While it is true that that case was complicated by the ambiguity of the administrative orders, the principle laid down in it applied with equal force to the codes.

There is nothing in this phase of the Schechter decision which cannot be cured by Congress; all the court requires is that Congress lay down a standard by which administrative action may be measured. And with the experience gained in the preparation and administration of the codes this should now be possible. Very likely such formulation could not have been made at the time the idea originated. If Congress decides to preserve some of the features of the NRA, it is to be hoped the Administration will leave off hiding its head in the sand in order to postpone decisions of constitutional questions of importance. A course of this kind may once have been justified on the cynical theory that by the time the original NRA might be declared unconstitutional its economic purposes would have been well accomplished. Such an

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attitude is no longer desirable. Especially in connection with such legislation as the Wagner-Connery labor-disputes act it is essential, after any obvious constitutional defects have been removed, to secure a prompt adjudication in a wisely chosen case. There is a possibility that this law may be held constitutional on the theory that action taken to prevent a strike in a local factory necessarily affects interstate commerce when its products are widely distributed among the states. If this power is to be denied Congress, the necessity for amendment will be manifest.

It would seem, therefore, that two courses lie open to the Administration. It must educate the public to the need for far-reaching constitutional changes—changes in the distribution of federal power and changes involving the redefinition of due process. In the preparation of its laws it must use greater skill than heretofore, better judgment in the selection of its test cases, and it must press, above all, for prompt determination. Until the court has passed on the bulk of the New Deal legislation it will be impossible to define to what extent the Constitution must be changed.

The Tyranny of the Bank of France

By ROBERT DELL

Geneva, June 14

THE recent financial and political crisis in France has ended in the capitulation of Parliament to the financial and industrial interests that engineered the crisis, but the victory of those interests is less complete than on similar occasions in the past, and there are encouraging symptoms of an awakening to the necessity of getting rid of their domination. The sinister part played by the Bank of France, in particular, has been so evident that the revolt against the tyranny of the bank is rapidly spreading, and in normal circumstances one of the issues at the general election next year will be whether the Bank of France is to be the master or the servant of the state. It is not only in France that the question of the relations between the central bank and the state is an urgent question of practical politics. The political influence of the Bank of England is just as great and just as pernicious as that of the Bank of France, although that fact is not yet so generally realized in England as it is in France. Democratic government, as Anatole France said long ago in "L'Ile des Pingouins," has come to mean in practice government by the financial interests, and unless democracy can control the banks, the banks will destroy democracy, for the financial interests have discovered that a fascist regime suits them even better.

The financial crisis was artificial. It was, as has been said, engineered by the banks and certain industrial interests, represented by the Comité des Forges, which are in close contact with high finance. For example, M. de Wendel, the potentate of the Comité des Forges, is on the governing board of the Bank of France. He has the controlling interest in the *Journal des Débats*, and the industrial interests that he represents share with the coal interests the control of the *Temps*. The Comité des Forges and its satellites have other less open influences in the press. The Comité des Forges is undoubtedly behind the anti-parliamentary movement, and it inclines to an alliance or close understanding with Nazi Germany. So do the leaders of the chief anti-parliamentary organization, the Croix de Feu. This is natural and there are several reasons for it, notably hostility to communism and to Soviet Russia and the belief, no doubt justified, that an understanding with Germany would facilitate a fascist victory in France. Moreover, an alliance with Germany would be to the advantage of the French iron and steel interests, which have already profited greatly by German rearmament, for it would make it necessary for both countries to be heavily armed. The alliance would be aimed primarily against Soviet Russia, but ultimately against England, at least to some extent. One of the aims of the alliance, in the minds of its French—and no doubt also its German—advocates would be to eliminate English influence on the European continent and put an end to the balance-of-power policy, which has enabled England to dominate the Continent hitherto. This was one of Caillaux's aims when he tried to arrive at an understanding with Germany in 1911, and it was for that reason above all that he incurred the bitter hostility of the British government and the Foreign Office, which succeeded in driving him from office. Clemenceau was the principal agent in the operation. It was not the first time that British diplomacy had turned his chauvinism to account.

Colonel de la Rocque and the other leaders of the Croix de Feu are not, however, in favor of an immediate alliance with Germany, and no doubt their opinion is shared by the Comité des Forges. Their view is that the alliance will be possible only when they—that is, the French fascists—have come into power and have increased French armaments to such an extent that Germany will not have been able to catch up with France. France, it is thought, will then be in a position to make its own terms and to become the predominant partner in the alliance. This crazy illusion is a measure of their intelligence. Meanwhile, they insist on the danger of German rearmament and the necessity of strengthening French defenses. And, unfortunately, it is impossible to deny that necessity. In particular, it has become necessary completely to reequip the French air force, which, although formidable on paper, is as everybody knows far behind the German or the English air force in fact, for its material is old and out of date. Some people in France still advocate a limitation of armaments as a remedy, but their number is rapidly diminishing, for limitation would be a dupery without international control. How is it possible to exercise effective control in a country where, as we have now learned, the terrorist regime is so efficient that it has been possible secretly to create a huge air force—so secretly that foreign governments have been deceived? The only system of control that would have the least chance of being effective in Germany would be that of a permanent control commission on the spot with all the powers possessed by the allied military commission of control set up by the Treaty of Versailles, including that of entering any factory without

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notice. The German government would never accept such a system. Nor could it be asked to, unless the other governments were also willing to accept it. How many would be? Few of those who talk glibly about disarmament or limitation of armaments seem ever to have given a moment's thought to the conditions necessary to make it a reality.

The increased military expenditure into which France has been forced is one of the chief difficulties in the way of balancing the budget, and the budget deficit was the origin of the recent crisis. When Flandin formed his Cabinet, he made the mistake of accepting Germain-Martin, nominee of the Bank of France, as his Finance Minister. Germain-Martin insisted on the policy of the Bank of France and the financial interests generally—a policy of ruthless deflation. The budget was to be balanced solely by enormous cuts in expenditure, that is to say, mainly by reductions in the salaries of civil servants and the wages of government employees, in war pensions, and in social expenditures, notably the social-insurance system. Such reductions are indefensible, for the salaries of civil servants and the war pensions in France are already miserably low, but no other reductions on a large scale are possible. About two-thirds of the national expenditure, which amounts in round figures to forty-five billion francs, are absorbed by the cost of the army, navy, and air force and the service of the national debt. The former cannot be reduced in present circumstances and the latter is of course intangible. It is not even possible to suspend the sinking fund without an amendment of the constitution, for Poincaré made it the object of a constitutional law which assigned to it the revenue of the state tobacco monopoly. An amendment of the constitution involves convening the National Assembly at Versailles, which is a large order. In these circumstances Flandin proposed a policy which cannot be better described than in the following quotation from an able article by the Paris correspondent of the London *Times*, published in that paper on June 11:

> M. Flandin hoped to balance the budget not by drastic cuts but by the creation of economic conditions that would produce an increase of revenue or, at any rate, put a stop to its shrinking. The budget problem would not be acute until the autumn, when the next year's estimates must be produced. In the meantime the Government hoped to make their cheap-money policy effective, to remove at least some tariff barriers by negotiation, to reform industrial production, and, eventually, to make the reductions in direct taxation which have been so fruitful a feature of British policy. If M. Flandin had been able to apply his plans, they might have improved matters enough to wipe out a substantial part of the estimated deficit by the end of the financial year.

This constructive policy was bitterly opposed by the financial interests and the industrial interests represented by the Comité des Forges. Germain-Martin voiced their opposition in the Cabinet. The Bank of France refused to hear of credit facilities and blackmailed the government by refusing to discount Treasury bills. Flandin yielded and asked the Chamber for special powers to apply a policy of deflation. Germain-Martin resigned in the middle of the debate, and the Chamber quite rightly refused the free hand asked for by the government. Bouisson would probably have been given the special powers had not the Chamber been estranged by the attitude of Caillaux, the Finance Minister, and by the unwise speech made by Bouisson himself. Piétri formed a Cabinet that would have had a majority in the Chamber, but he was forced out by the Bank of France, because his policy was not sufficiently deflationist and he had not the courage to withstand the pressure of the bank.

The Bank of France will be disappointed with Laval if, as is reported, he is likely to abstain from salary cuts and is thinking of a suspension of the sinking fund, among other measures. That would make a saving of about 3,500,000,000 francs for the year, but the estimated budget deficit is about 6,500,000,000 francs, and it is difficult to see how the balance of it can be made up. The deficit of 4,500,000,000 francs on the railways is to be covered by a loan. The Treasury has to meet during the year payments falling due to the amount of 9,585,000,000 francs and will have a difficulty in meeting them unless the Bank of France is forced to discount Treasury bills. On the whole it seems likely that the devaluation of the French franc will become inevitable before the end of this year. Devaluation is inevitable in Switzerland and cannot be much longer delayed, for Switzerland is being ruined by the economic and monetary policy of the federal government. Devaluation of the Swiss franc would no doubt hasten devaluation in France.

By granting the Laval Cabinet the powers that had been refused to its predecessors the Chamber, as I have already said, capitulated to the financial interests. It was also no doubt intimidated by the fear of another anti-parliamentary agitation, which was being worked up by the newspapers controlled by those interests. Had the parties of the left been able to agree on a policy, it would have been a different matter, but in the circumstances the defeat of the Laval Cabinet would have led to parliamentary chaos. The logical solution would have been a dissolution of the Chamber and appointment of a provisional Cabinet with special powers until the general election, which in the case of a dissolution must be held within two months, but the consent of the Radical Party could not be obtained. The center and the right, which were talking so much about a dissolution some little time ago, are by no means eager for one now, for they fear, with reason, that a general election would result in a victory for the left.

One thing at any rate has been demonstrated—namely, the weakness of the fascist movement in France. The complete calm in Paris and throughout the country during the ministerial crisis showed how artificial the rising in Paris in February, 1934, was. The "leagues" could not have had a better opportunity of taking the action that they have so often threatened, but the Croix de Feu, instead of demonstrating in Paris, held a "test rally" at Cambrai. The bluff of the fascist organizations has been called and the Chamber is unlikely to be frightened by them in the future. Thus, although the Chamber yielded in the end, its resistance to the Flandin and Bouisson Cabinets has by no means been useless. That resistance has also called public attention to the dangerous power of what Herriot once called the "wall of gold"—the Bank of France and the financial interests generally. The lesson will not be lost, and, as I have said, this question will no doubt be one of the chief issues at the next general election, if it takes place in normal conditions. But the international situation is so threatening that nobody can foretell what it will be a year, or even a few months, hence.

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Correspondence

Sergei Trotzky

To the Editors of The Nation:

Our youngest son, Sergei, who chose to stay in Moscow when we were forced into exile, was arrested at the very beginning of this year. If at first one could hope that the arrest was accidental, that in a day or two he would be freed, it is clear now that the jailers have far more serious designs.

Sergei was born in 1908. In families whose elder members are absorbed by politics the younger ones are often repelled thereby. Such was also our case. Sergei never occupied himself with political questions; he was not even a member of the Communist Youth (Komsomol). In the university he concentrated on mathematics and mechanics. As an engineer he received a professorship in one of the higher technical schools. With two other colleagues he published recently a special work entitled "Light Gas Generators of Automobile-Tractor Type." The book was published by the Scientific Automobile-Tractor Institute and was warmly received by the most outstanding specialists in the field.

Sergei decided to remain in Moscow so as not to be torn away from his work, which from then on absorbed his whole being. The material conditions of his existence were very difficult but did not differ in this respect from the living conditions of the overwhelming majority of the unprivileged Soviet youth. In the six years of our present emigration Sergei continued his intense scientific and pedagogic work without any interference on the part of the authorities—until after the Kirov assassination, when he was arrested and our correspondence ceased.

I would be happy to think that under the influence of events my son became involved recently in opposition activity, because then Sergei could bear up much better under the blow that has been dealt him. But such a supposition must be considered absolutely out of the question. Sergei grew up in the Kremlin; Stalin's son was a frequent visitor in the boys' room; the GPU and the university authorities kept a redoubled watch over him first as a student, secondly as a young professor. He was arrested not for any sort of opposition activity but exclusively as the son of Trotzky.

It would be very simple to verify the facts stated in this letter. It would be sufficient, for instance, to establish an international committee consisting of authoritative and sincere individuals, of course well-established friends of the U. S. S. R. Such a committee would have to examine into all repressions in connection with the Kirov assassination; among other things it would throw the necessary light also on the case of our son Sergei. When the social revolutionaries, the organizers of attempts on the lives of Lenin and Trotzky, were being tried in 1922, the Central Committee under the leadership of Lenin and Trotzky afforded Vandervelde, Kurt Rosenfeld, and other adversaries of the Soviet government the right to participate in the trial as defenders of the accused terrorists. This was done precisely in order to dispel in the mind of the international proletariat any doubts as to the fairness of the trial. Could not Romain Rolland, André Gide, Bernard Shaw, and other friends of the Soviet Union assume the initiative to establish such a committee in agreement with the Soviet government? This would be the best method of checking on the accusations and the suspicions widely spread in the working masses. The Soviet bureaucracy cannot place itself above the public opinion of the international working class. As regards the interests of the workers' state, a serious verification of its actions could only serve to its advantage.

France, June 1 Nathalie L. Trotzky

The *Bee* Objects

To the Editors of The Nation:

In the issue of *The Nation* for May 22 appeared an editorial referring to the criminal-syndicalism case which stated that it was a reporter for the Sacramento *Bee* "who, during the Sacramento trial, slipped a note to Albert Goldman, Nonpartisan Labor Defense attorney, apologizing in advance for the fact that the *Bee* would distort the report of his speech to the jury."

That statement is a rank falsehood. In the first place, the *Bee* did not publish any extended report of Goldman's speech to the jury. As you can see from the inclosed clippings from the Sacramento *Bee* of Tuesday, March 26, 1935, the *Bee* published but a four-paragraph summary of Goldman's address to the jury. We even blackfaced his attack on capitalism. It was a fair summary of what Goldman said, and the attorney himself made no complaint about it, indicating that the reporter who covered the trial had given a correct summary of his remarks.

Undoubtedly your statement that a *Bee* reporter slipped a note to Goldman advising him that his report of the speech would be distorted had reference to a story published in the *Western Worker* of March 7, 1935—a marked copy of which is inclosed—telling how Gilbert H. Parker, a former Sacramento newspaperman and publicity man for the Associated Farmers of California made certain statements to a reporter for the *Western Worker* relative to the trial being a frame-up.

In view of the very evident fact that the information on which you based your editorial attacking the Sacramento *Bee* was false, I think we are entitled to a correction in the columns of your magazine.

Sacramento, May 25 Walter P. Jones,
General Editorial Director,
McClatchy Newspapers

[The *Nation* editorial to which Mr. Jones refers was not based on any story published in the *Western Worker* (a paper, by the way, which is even less friendly to Mr. Goldman, a Socialist, than is the Sacramento *Bee*). In reply to Mr. Jones, we reiterate simply that it was a *Bee* reporter, not Gilbert Parker of the Associated Farmers, who slipped the apologetic note to Mr. Goldman regarding the probable treatment by the *Bee* of his closing address to the jury, and that this note was read by two other persons not directly connected with the case. Perhaps the reporter's apologetic tone was inspired by the *Bee's* handling of the criminal-syndicalism case during the previous four months. The story he turned in on this occasion—or at least the four paragraphs which the *Bee* devoted to the subject—was hardly up to the *Bee's* own passionate standard in reporting the trial. However, a copy-desk man repaired its weakness with the headline: "Defense Counsel of Reds Assails U. S. Government."—Editors The Nation.]

The R. P. P. A.

To the Editors of The Nation:

Benjamin Stolberg's article, The Socialist Party Today, which appeared in your issue of June 5, is marked by omissions so grievous that his entire interpretation of recent happenings in the Socialist Party is rendered null and void. Mr. Stolberg fails to mention the third and most alive group in the party, the Revolutionary Policy Committee, whose official title is now the Revolutionary Policy Publishing Association because it risked expulsion by calling itself a committee without sanction. The R. P. P. A. was formed at the Detroit convention

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in 1934 and issued an "Appeal to the Membership of the Socialist Party," calling upon our comrades to assume a Marxist position and take upon themselves the duties of revolutionary socialism. No one making an analysis of the present situation in our party can do justice to the topic without careful analysis of the R. P. P. A.'s position. And if Mr. Stolberg has never seen the "Appeal"—a fact which in itself would render him unfit to discuss the entire subject—he could easily have ascertained the position of the R. P. P. A. from the two issues of the *Revolutionary Socialist Review* which have appeared.

No just appraisal is made by Mr. Stolberg of the March meeting of the National Executive Committee; no mention is made of the expulsion of all the revolutionary Socialists in the Buffalo local, and of Jim Oneal's remarkable speech there, wherein the Communist Manifesto was discarded by the right wing because, as Comrade Oneal so gallantly put it, it belongs to the "romantic era of socialism." Apparently Comrade Oneal has not enough romance in his soul to be a Marxist.

The statement that the "militants" are youngsters flirting with communism is utter nonsense; even Norman Thomas knows better than that. They are neither young, nor Communists, nor are they militant either. The revolutionary Socialists in the party have been trying to get the militants to tell them what they are militant about, and the only answer seems to be "confusion."

Nor are the militants causing the right wing any trouble. The revolutionary Socialists are, and they are not "militants." They are the most vehement critics of the militants. On most issues it is very difficult for me personally to distinguish a militant from a right-winger, and by 1936 I predict that those militants who are not with the R. P. P. A. will be with the right wing. Confusion must go forward or backward, and it is much easier to slide than to labor. The real obstacle in the path of the left-wing Democrats masking as Marxists has come from the incompatibility of their reformist position and the Marxist position of the R. P. P. A. All sorts of reports are circulated by the right wing to the effect that the members of the R. P. P. A. are in the pay of Moscow or members of the Communist Party or Lovestonites. It has reached such a point that one cannot be a Marxist in the Socialist Party any more without the right wing crying "Moscow."

The revolutionary Socialists have unmercifully criticized the present leadership of the party for its reformist, class-collaborationist policies, and its undemocratic methods. Instead of taking a sophisticated stand outside the party, however, they are striving to bring it around to sound Marxist principles and back to the glory that is the heritage of 'Gene Debs.

Mr. Stolberg's snootiness alone is objectionable in this period of crisis in our party, when a turn to the left is still possible. It is downright malevolent when it is joined with ignorance of the present factional struggle.

New York, June 2 GEORGE SIMPSON

Alabama Terror

TO THE EDITORS OF THE NATION:

In Alabama a new reign of terror is being conducted against union labor by police and extra-legal forces in the hire of heavy industry. In the share-cropping region south of Birmingham the cotton choppers are on strike for a dollar-a-day wages. They have been receiving thirty-five cents a day, top price. Twenty-one workers and share-croppers have been arrested, held in jail briefly, then turned out of jail at the point of a gun and handed over to landlord vigilantes to be beaten, burned, and dumped. Two of the victims were white men arrested while addressing a group of share-croppers in a private home. The rest were Negroes, who suffered the additional punishment of eviction from their homes. One of the Negro workers, W. J. Foster, sent from Birmingham to investigate the terror in the share-cropping area, has not been heard of since he was turned over to the vigilantes four weeks ago. There is every reason to believe he was murdered.

In the industrial city of Birmingham police and private detective agencies in the hire of heavy industry cooperate in an attempt to break up labor unions. Homes of workers are raided constantly. Wholesale arrests are made without warrants, and the victims are given ten months on the chain gang for "possessing literature advocating government overthrow." In addition, kidnappings and beatings are carried on by thugs cooperating with the police. Robert Wood, district secretary of the International Labor Defense, was kidnapped from a downtown street by four thugs, carried out into the country, brutally beaten, and threatened with death. He was told he was "too damned interested in local industry." A week later Blaine Owen, a member of the Communist Party, was treated in a like manner. Owen was pointed out to the thugs, who followed in another car, by a police car which flashed its light on him.

We ask all readers to send protests to Governor Bibb Graves, Montgomery, to Mayor Burns, Selma, Alabama, and to Commissioner W. O. Downs, Birmingham.

Birmingham, Ala., June 16 BETH MITCHELL

Jane Addams Memorial Fund

TO THE EDITORS OF THE NATION:

The death of Jane Addams places a responsibility upon those who have appreciated her work in various fields to see that it is continued and increased. Especially is this true in the case of Hull House, which among her many interests was closest to her heart. The value of Hull House in American life as a pioneer among social settlements and an example of the way in which association among members of different groups and races can be made serviceable to all is unquestioned. To thousands of individuals of the neighborhood, through the schools of music, painting, ceramics, drama, and dancing, as well as classes in more formal education, through social clubs, the gymnasium, the summer outings, Hull House has been a source of immediate relief from depressing conditions, and of encouragement and aid in fulfilling aspirations for the future. To thousands of residents for longer or shorter periods, Miss Addams's home has been an initiation into sympathetic and helpful relations with the less privileged. Moreover, Hull House has been a social laboratory where experiments of benefit to the whole country have been conducted. Hull House was a pioneer in juvenile research, from which came the Juvenile Court, in the establishment of playgrounds, in the protection of aliens.

To continue the house in its spirit of present usefulness and future progress, the trustees, upon the advice of many friends, have established the Jane Addams Memorial Fund. During her life Miss Addams obtained from friends or gave from her own resources about $30,000 a year, one-third of the annual budget of the house. It is hoped that a sum can be raised the income of which will replace Miss Addams's financial contribution to the work she founded and loved. The Jane Addams Memorial Fund offers an opportunity to all who loved her to show their appreciation of what she meant to her city, her country, and the world. Subscriptions may be sent to Louise De Koven Bowen, Treasurer, 800 South Halsted Street, Chicago.

New York, June 25 ROBERT MORSS LOVETT

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Labor and Industry

After Its Fashion

By HEYWOOD BROUN

SOONER or later this article will get around to "the freedom of the press" and endeavor to point out that this ideal is very much less than a cure-all for the cause of labor. But first of all I should like to have you share with me a few extracts from the Binghamton *Sun* of June 21. The *Sun,* whose code is "fairness, decency, accuracy," had room for little but local news because of one event. The chronicle of the epoch-making event began on the first page as follows:

> Never in better form or more convincing in his sincere appeal to the intelligence and the hearts of his fellow-workers, George F. Johnson responded yesterday to their request to visit each unit of the giant industrial democracy he has created. Beginning a long-delayed "loyalty tour" of the industry in company with his brother, C. Fred Johnson and the younger executives, President George W. Johnson and General Manager Charles F. Johnson, he delivered a series of eleven heart-to-heart talks at the plants in Binghamton and Johnson City.

To a casual reader this seemed a little like too much Johnson. It seemed extraordinary that one family should be so firmly intrenched in all the executive posts of a "giant industrial democracy." But on reading a little farther into the four or five pages devoted to the wise and witty sayings of good old "George F." I found that it was not an industrial democracy at all but the Endicott-Johnson Shoe Company. I was still curious to learn just what it was which moved George F. to make so many speeches and pour forth sincerity without stint. I found that his chief concern was with malcontents and "reds." In fact, he "flayed" them. Accordingly I remained in a little doubt as to the accuracy of the Binghamton *Sun* in stating that George F. made his heart-to-heart appeals solely because of the invitation of his "fellow-workers." I think it only fair to surmise that part of the idea was his very own. Mr. Johnson, as I gathered from reading a large part of his eleven speeches, is not exactly prodigal of ideas. He believes in loyalty and he said so a good many times in the course of his addresses. I had hoped to find some little help from a big four-column box on page 11 of the Binghamton *Sun;* I refer to "Straight from the Shoulder—Pointed Paragraphs Picked from George F.'s Series of Talks to His Fellow-Workers Yesterday."

The first quotation from the master which my eye encountered was: "There are people—too many, I am afraid—who don't like this American form of government. God knows where they came from or why they are here. I ask them, 'Why don't you go back where you came from?' "

"You would, you intellectual giant," I said to myself, and proceeded to dig deeper into the speeches which a squire of industry makes to the tenants on a tour of the estate.

"It is not important how much you earn today or next week," said good old George F. "It is how much you earn this year that is altogether important." Pie has been brought down from the sky and placed just around the corner.

It seemed to me that C. Fred Johnson spilled the beans a little. When called upon for a speech he made "one of his characteristic brief statements." To be sure C. Fred is an old-timer and has to be humored. But I still insist that the note he introduced was unfortunate. "I go when and where I please," declared C. Fred, "and come back when I'm good and ready. I hope you're as lucky."

Still perhaps a little touch of levity was needed. Even George F. unbent on occasion. The Binghamton *Sun* tells us, "There was humor, too. To one pretty girl Mr. Johnson gave the following piece of advice: 'If you'll be good, you'll be happy, but you'll miss a lot of fun.' "

"And the crowd roared," adds the *Sun.* I'll just bet it did. Mr. Johnson's joke (no offense, George F.) is ancient and feeble, but when the boss goes gay none but an alien and un-American agitator would refuse him his audience reaction. It was at the Scout Factory, as I remember, that the chief speaker hit upon one of his snappy ideas. "If you workers like our American ideals of government and our Industrial Democracy don't let these people come over here and tell you how much better it is somewhere else. Ask them, 'What in hell are you here for?' It's a fair question."

But no one should get the idea that George F. did not have any remedy to meet the needs of his fellow-workers. Much of his talk was wholly constructive. I particularly liked his, "If anybody knows how to say 'Hello' to the boys, I should be the one."

Still even that might elicit a question which would not be altogether unfair. Suppose somebody asked, "So what?"

By now, I hope, some little light has been thrown on the manner in which labor news is often handled in the smaller cities. When a plant is the town itself, there is little chance of getting dispassionate or detached news treatment. And certainly the relief does not lie merely in insisting on the maintenance of a free press. I am, of course, asking for a precise and literal use of the phrase. The famous constitutional guaranty contained in the First Amendment does not by any means promise each American citizen the right to get the news without bias or suppression. It merely says that a publisher shall not be impeded by direct or indirect censorship which is not of his own choosing. The man who suppresses facts in his paper or distorts them for his own interest performs an anti-social service. But I think it is stretching words beyond their natural meaning to argue that he is violating the freedom of the press. Mr. Hearst is all that Mr. Hearst is, and yet under the usual and reasonable definition of "free press" he has a right to continue in that benighted state. At least any attempt to alter it by statute would be in violation of the First Amendment.

In other words, the frequent statement that a free press is the certain bulwark of our liberties is not wholly true. One Hearst is bad enough, but suppose there were a hundred. Each might proceed according to his rights to publish what he pleased and suppress the rest. That would not make for liberty for the rest of us. As a matter of fact

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the situation under which we live is not a thousand miles away from that nightmare condition. Surely no one is naive enough to believe that any vast amount of newspaper enterprise is devoted to the attempt to give labor news accurate coverage even in crisis? And so perhaps the greatest joke is the eyebrow-lifting of the publisher who regards some small leaflet or publication with disdain and says, "Why this isn't news—it's propaganda." To put it bluntly, if labor wants to get a press which is fair to labor it will first have to organize its own newspapers. Our present press is free to do as it pleases, and it pleases to be always on the side which carries the heaviest butter.

The Nation Index of Labor Welfare

A FURTHER slight decline in working-class living standards is indicated by the preliminary figures of *The Nation* Index of Labor Welfare for May, the last month in which NRA codes were legally in effect. Owing to a continuation of the mild business recession which started in March, employment and payrolls fell off noticeably in both manufacturing and non-manufacturing industries. The average weekly wage for all industrial workers, including those employed in the retail and wholesale trades, transportation, and mining, as well as in factories, declined from a peak of $21.66 in March to $21.47 for May, a drop of 0.9 per cent. The last month's decline was offset by a slight decrease in the cost of living—the first for many months—leaving real wages unchanged from the revised April figures at 99 per cent of the 1932 average. The rise in unemployment, however, more than counterbalanced the reduction in relief rolls, causing a 0.2 per cent net decline in the Index of Labor Welfare.

Compared with May, 1934, the picture is somewhat more unfavorable. Although weekly wages have risen approximately 3 per cent during the year, the cost of living has gone up 5 per cent. Unemployment has increased by over 500,000, and the number on relief rolls by nearly 2,000,000, leaving *The Nation* Index 3.2 per cent below the level of twelve months ago. The preliminary indices for May as compared with the revised figures for the previous month and for May of a year ago are as follows:

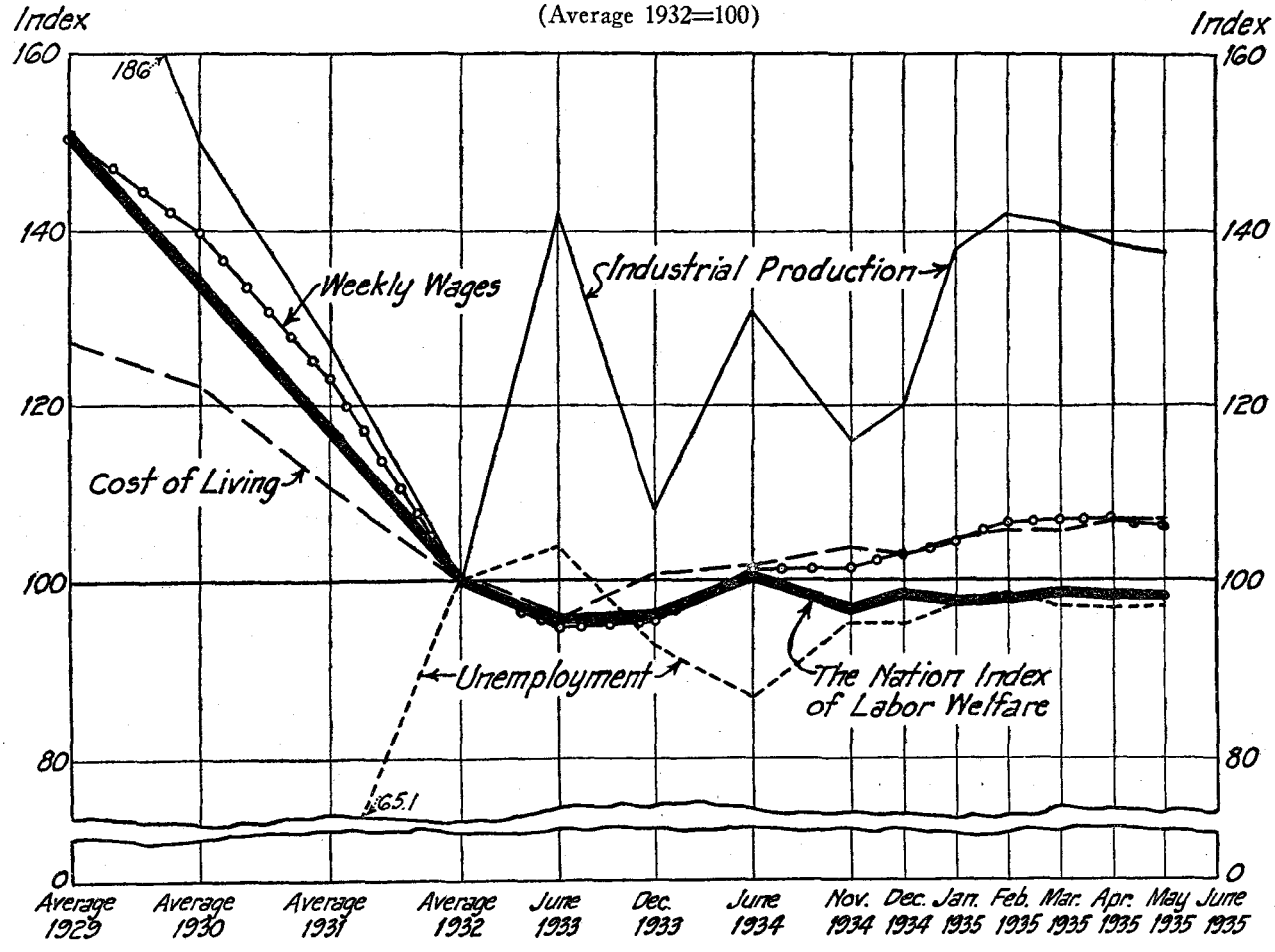
(1932=100)

	May 1935	*April 1935*	*May 1934*
Industrial Production	138*	139†	139
Average Weekly Wages	105*	106†	102
Cost of Living	106	107	101
Real Wages	99*	99†	101
Index of Labor Welfare	97.8*	98†	101

* Preliminary. † Revised.

THE CHART OF LABOR WELFARE

(Average 1932=100)



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The Need for Federal Labor Laws

By ELINORE MOREHOUSE HERRICK

THE abrupt termination of the NRA by the Supreme Court will soon test the soundness of industry's insistent claim, "Let us alone! Cut out the codes! Industry can and will govern itself." When the NRA was established in 1933, industry had shown very clearly its incapacity for self-government. Wages had been disastrously reduced and the markets for goods thereby destroyed. It is pertinent now to look back over the record of the first years of the depression to see what progress has been made in raising wages and in spreading and stabilizing employment.

That many people had to depend upon charity to make up the difference between depression wages and what it costs to keep alive was shown in a study entitled "Cut-Rate Wages," published by the Consumers' League of New York in February, 1933. This study, made from analyses of case records of a hundred social agencies in New York, revealed that in 1932 in the richest city in the world women were being paid 12½ cents for making a dress, while the "finisher" of that dress was receiving from 3 cents to 15½ cents. One woman received 21 cents for putting linings in seventy-two pairs of slippers at the rate of one slipper every forty-five seconds. Wages of $4 a week for unlimited hours recurred frequently in this survey. The result in social costs is told in the reports of these agencies—sanitarium care recommended for two months, room rent subsidized, children placed in boarding homes at taxpayers' expense. Report after report showed despondency, undernourishment, and inadequate clothing as typical of these victims of a selfish and ruthless industrial system. Charity took the place of an adequate living wage.

The NRA raised bottom wages all over the country. In strike after strike handled by the Regional Labor Board of New York, wage-earners testified, "I was getting $6 before the NRA—now I am getting $12," or whatever the minimum in the governing code prescribed. It is true, of course, that some chiseling employers continued to pay lower wages than the code minimum. It is also true that in many cases the wages of the more skilled workers were reduced to make up for the increases in minimum wages. Despite all this, the NRA effected a general improvement in the wage level, particularly for the least skilled.

The codes too often fixed unconscionably low standards and were so loosely framed that it was easy to evade both wage and hour requirements. But countless industries that had never before tried to maintain uniformity of labor standards did make such an effort through the code structure. Whether the beneficial results of coded cooperation within the ranks of industry can be preserved remains to be seen. But perhaps an examination of past experiences will prove enlightening.

There were many attempts to work out cooperative agreements prior to the adoption of the NRA. Two such attempts, with which I am personally familiar, were made in New York State. For approximately five years the Consumers' League maintained a White List of candy manufacturers, a central point of which was a minimum wage of $14 for a full week's work. This experiment broke down in 1932 because there was no way to keep in line employers who would not agree to the White List standards. Wage-cutting competitors could not be controlled even by the boycott effect of the league's White List. The league finally relinquished this method in fairness to the employers who were still making a real effort to meet the modest requirements of a $14 minimum wage and a forty-eight-hour work week. In other words, consumer pressure could not be mobilized in sufficient volume to support the more enlightened employers. People persisted in buying lower-priced candy even though it was made by sweatshop labor.

In 1932 a new cannery code was adopted in New York State after its terms had been worked out jointly by the State Department of Labor and the canners themselves during a series of conferences and surveys conducted over a three-year period. The code, after approval by the Industrial Board, became, in effect, a new law to govern practice in the canning industry. Since the new regulations had received the official indorsement of the Canners' Association, it seemed reasonable to assume that the industry was ready genuinely to modify its methods in accordance with the requirements of its own code, although the state had for twenty years found it virtually impossible to enforce the various labor laws existing on the statute books for canneries.

I made a twelve weeks' survey at the height of the canning season in 1932, visiting fifty-four representative plants, approximately one-third of the total number operating that season. I found only four employers who had made a real effort to comply with the code; three others had made some effort. With these few exceptions, the industry as a whole had practically ignored the agreement. Even in a summer of bountifully available local labor on account of unemployment, hardly any effort was made to recruit labor to reduce the hours of work to even the legal maximum. Wages ranged from 8 cents to 22 cents an hour for women and from 10 cents to 27½ cents for men. One canner frankly admitted having forced his help in 1931 to work illegal overtime until midnight and later during the weeks of the tomato season, and he boasted, "We will do it again under similar circumstances." His plant was located in a township where the public-welfare organization informed us that 3,000 people, approximately one-third of the population, were receiving relief. In one of the smaller cities a plant hired less than one-fifth of the usual number employed the previous year. With trained workers unemployed and eager to work, this plant found it "easier and cheaper to use overtime than to recruit more workers." The majority of the independent canners explained their low wages by saying that they had to meet the competition of a large concern operating many plants in which there were uniform rates of 12½ cents for women and 17½ cents for men.

I dwell at length on the canning industry because of its anti-social practices and its long-time stubborn resistance to the introduction of humanitarian standards by compulsion or otherwise. It was an effort to improve labor conditions

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in New York canneries which gained for Al Smith, then an assemblyman, his first favorable publicity. As long ago as 1915, in urging a law forbidding Sunday work in canneries, Al won his point by saying, "When I learned the Commandments, they said, 'Remember thou keep holy the Sabbath day.' There was nothing about 'except in canneries.'" Notwithstanding all that has been done in the past twenty years to humanize working conditions by legislative enactment and by "voluntary cooperation," the canning industry remains near the bottom of the list with respect to wages and the length of the work week.

It is this industry which furnishes also the best illustration of the failure of the courts to enforce labor standards. Some years ago a canner pleaded guilty to violation of the child labor law, but the local justice found him "not guilty."

For a period of several years the Consumers' League studied the records of the Magistrates Courts in New York City. We found a high percentage of suspended sentences given even for repeated violations of state labor laws. When, however, committees from various organizations visited the courts and made known their presence and their interest to the judge, we found that fines replaced the suspended sentences. As soon as the vigilance was relaxed, the suspended sentences returned.

Lack of pressure from the public for proper working standards is seen in a more important and widespread phase. Surveys conducted by various state departments of labor between 1929 and 1932 revealed numberless instances where chambers of commerce offered inducements of free rent, cheap labor, free water, and similar subsidies to employers if they would remove to their towns. Too frequently these firms would move on again after a short time leaving nothing behind them in the community. Often such firms moved out in the night without paying their employees at all. Have chambers of commerce realized their pre-NRA folly? No.

Since January, 1935, I have seen advertisements and published statements of local chambers of commerce offering the same old inducements to attract "new business." These offers come from all over the country—New England, Alabama, New Jersey, and Pennsylvania. The majority of the "run-away" employer cases handled by the Regional Labor Board have been concerned with removals from New York to New Jersey, where the labor laws are less stringent and labor less well organized. In every case the employer has cited as his reason for moving the desire to get cheap labor and cheap rent.

What is the result to the community which offers asylum to these "runaway" employers? Relief rolls tell the story. While it is argued that it should make no difference that people in one community are put on relief as long as people in the new community are taken off relief, there is a real distinction. So long as the federal government is contributing to relief, we can ill afford to have self-supporting workers in one community put on relief so that other persons may be employed in remote communities, too often at a wage so low as to require some public subsidy. The costs of relief are borne ultimately by every citizen in the country. It is therefore an essentially "penny wise but pound foolish" policy for chambers of commerce to invite manufacturers into the community simply because the presence of a large group of unemployed has created a low wage level.

Suppose we leave the problem of industrial standards to the several states? What happens then? We know that interest in and machinery for enforcement differs greatly from state to state and area to area. During five years in the South, where I was production manager for a large textile mill, I never once saw a state factory inspector, although there was a Department of Labor and there were laws governing working conditions. In New York State, on the other hand, where the Department of Labor is highly organized and has been developed over a period of years, such a situation would never occur. At least once a year every industrial establishment in the state is inspected. In New Jersey a minimum-wage law was enacted in 1933. Yet because no appropriation for it has been passed, the state has not yet put the law in operation. These inequalities exist everywhere throughout the country. Wisconsin has long-established wage and hour regulations, while Illinois still has a seventy-hour work week on the statute books.

For the time being we seem to be stalemated as far as federal regulation of these matters goes, despite the widespread realization that state action is inadequate. The forces of public opinion may help in certain situations, but cannot be relied upon to effect the consistent reforms needed. We cannot reasonably expect voluntary adherence to improved labor standards when even compliance with the labor provisions of the NRA codes could not be enforced.

The most successful policing of NRA codes was carried on by organized labor. Labor organizations fought the decent employers' battle by forcing the undercutters to observe code provisions, or by forcing such employers out of business. No matter what governmental controls are established, organization of workers will remain the most effective means of securing decent standards.

Contributors to This Issue

MORRIS R. COHEN, professor of philosophy at the College of the City of New York, is author of "Law and the Social Order."

LOUIS B. BOUDIN, well-known lawyer and member of the United States Supreme Court bar, is the author of "Government by Judiciary," "Is Economic Planning Constitutional?" and other essays and articles.

OSMOND K. FRAENKEL was retained by the I. L. D., with Walter H. Pollak, to prepare the briefs and argue the appeal of the Scottsboro case in the Supreme Court. He edited "The Curse of Bigness," a collection of miscellaneous papers by Justice Brandeis.

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Books and Films

Little Ode

By VIRGINIA MOORE

Therefore praise the candlestick
On whose sturdy tallow wick
Burns the brave dispeller of
Fear, the enemy of love;
Burns the finder, at small cost,
Of the misplaced and the lost;
Burns the soother of those fate
Sent to bed at half-past eight;
Burns a third sagacious eye
For the young man ignorant why;
For the woman, bound by ring,
In her wrapper, listening;
Burns the witness, when they wed;
Burns the bondsman of the dead;
Burns the cheerful, long-ignored
Understudy of the Lord
Who in cycles of dense night
Said to all, "Let there be light";
Burns the golden, constant guard
Of the howling, evil-starred,
Cold and hungry, pampered not,
Scared ones that the darkness got.
It has burned a hundred years.
(Goodness always perseveres.)
Polish hard the cup and base
Till they print an admiring face.

The Psychology of Koffka

Principles of Gestalt Psychology. By Kurt Koffka. Harcourt, Brace and Company. $6.

IN the province of scientific psychology the relationship between German professors and American students has been strong and peculiar. Fifty years ago when bright young Americans, enthusiastic over the biological theories of Darwin and Huxley, wanted to apply those same concrete, mechanistic methods to the more elusive processes of the human mind, they went to Leipzig and learned from Wilhelm Wundt how to analyze their perceptions into myriads of discrete sensations. Today when so many other bright young Americans have become disheartened over the barren austerity of the sense-psychology advocated by Wundt and Mach and Avenarius, they have looked to Kurt Koffka, a German expatriate now living in America, to teach them a newer and more idealistic conception of the human mind.

It is well for those young philosophers, as it is for the rest of us, that during the seven years in which he has been a professor at Smith College Koffka has learned English so well that he can now express himself fluently in it. Recently it has seemed that the whole Gestalt theory was in danger of being permanently befogged by that strange technical terminology that in America always clings to any discussion of sense perceptions.

To the students of Wundt, and to all their academic progeny, it was of supreme importance to maintain forever and against all comers, whether they called themselves gestaltists, behaviorists, or psychoanalysts, that the one fundamental fact of all mental life was the sensation—and that all other phases of human living, no matter how intricately intellectual or how disconcertingly emotional they might seem to be, could some day, by careful and serious introspection, be reduced to such meaningless psychic elements as colors and tastes and sounds and smells. And when these Wundtians read of the simple experiment by which Wertheimer had proved that even such expert psychologists as Koffka and Koehler could not analyze the elementary perception of a black line falling against a white background into its component sensory elements, they knew at once that the very fundamentals of their hard-fought-for science were being threatened.

For most of the rest of us, who think of college seminars and university laboratories, along with junior proms and fraternity initiations, as pleasant but rather vague items of our youth, it is difficult to realize how important this experiment of Wertheimer's and the interpretation which he and Koffka and Koehler chose to put upon it could be. And the Wundtians, who happened to be the only Americans competent to translate the original German presentations of the theory, did not help us much in our understanding. Even to the simple word *Gestalt*, for which there was no exact English equivalent, they assigned such technical synonyms as "form" and "configuration."

In his new book Koffka uses "gestalt" as a simple English word, without either the italics or the capital G, as though anyone should know its meaning. But when, without defining it precisely, he begins to elucidate its meaning he uses such large and grandiose words as integration, organization, value, meaning, force, and stress—words which today are spoken more easily by philosophers and theoretical physicists than by most empirical psychologists. Thus we realize, as many of us had suspected before, that in his exposition of the gestalt theory Koffka is intent upon blasting not only the concept of discrete sensations and the technique of modern psychology but the assumptions of that static physical science upon which Wundt and Mach and Avenarius so consciously and so conscientiously modeled their infant discipline. He is crying out, almost screaming, if such a cultured voice as his can scream, against all those nineteenth-century empiricists whose only creed was, "Find facts, facts, facts, and again facts; when you are sure of your facts build theories. But your facts are more important"; and who by virtue of this persistent fact-finding reduced all human knowledge, and along with it most of human life, to an aggregate of "unintelligible, irrational, meaningless events." Boldly Koffka maintains that there are no facts that can be completely dissociated from the theories that prompted their discovery. Humbly he asks: "Must we pay for science by a disintegration of our life? Must we deny on week days what we profess on Sundays?"

These are strange questions to come from one who contends so staunchly that he is above everything else a scientist; and Koffka knows it. And because he knows it, and because he knows just as well all the limitations that science puts upon her devotees, he disarms us of any fair means of criticizing him. He forces us to agree with him that "the truth of the gestalt principle will have to be tested by the course that science takes in the future."

Yet since it was necessary to introduce the names of Wundt and Mach and Avenarius in the beginning of this review, to show Koffka against his proper background, it is just as essential to bring them into its ending—and to point out that for all his courageous attack upon them Koffka seems to fail in the same way that they did. His theory and the logical beauty with which he works it out cannot fail to impress anyone who has the patience and the pertinacity to read with all

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his attentive intelligence the more than six hundred words of its exposition. And yet, despite all its logic, its beauty, and its cloistered "realism," it does not, any better than those older theories which it strives so valiantly to annihilate, explain that befuddled, harassed, illogical, and not always beautiful phenomenon that we know as mortal man.

GRACE ADAMS

Irving Fisher's Plan

100% Money. By Irving Fisher. The Adelphi Company. $2.50.

ONE must commend the moderation of the publisher's claim for Irving Fisher's most recent work. The jacket blurb states that the 100 per cent plan is designed "to eliminate runs on commercial banks; largely to cure or prevent depressions; and to wipe out much of the national debt."

Though not new, the so-called 100 per cent reserve idea has found many adherents since the depression. As the academic reviver of this scheme, Professor Soddy of Oxford University should perhaps be given credit. But one must not forget the earlier contribution of William Jennings Bryan, who became convinced that national banks should be compelled to raise their reserve requirements from the then existing 15-25 per cent to 100 per cent. Otherwise, he stated, they made a quadruple profit as contrasted with the meager double profit they were alleged to derive from their note-issue privilege.

The premise underlying Professor Fisher's proposal is that cyclical fluctuations mirror the dance of the dollar. In its price gyrations the dollar keeps step with the twistings and contortions of bank loans and investments and hence of bank deposits. With the present 10 per cent reserve plan banks multiply their loans and investments when reserves are increased. Thus deposits or "money" are created and inflation is induced, a process which goes on as merrily as a wedding bell until some event reverses it, when loans and investments are reduced and purchasing power is "extracted" from the community.

Stabilize the dance: prices will not change, business cycles will be *largely* eliminated, and capitalism saved. Years ago Professor Fisher was convinced that the compensated gold dollar would stabilize prices. At present this constitutes but one leg of his stabilization triangle. The other two are the 100 per cent reserve plan and the scrip-stamp idea of Silvio Gesell.

To preserve capitalism one need only discard the 10 per cent and adopt the 100 per cent reserve. Instead of holding on the average a 10 per cent reserve with the Federal Reserve banks against deposit liabilities, banks would, after the institution of the plan, have to hold a 100 per cent reserve against all checking accounts with a currency commission. Commercial banks would thus become warehouses for demand deposits, thereby reverting to the technique followed in its early years by the Bank of Amsterdam. In Professor Fisher's opinion banks could no longer create purchasing power of their own volition. Only the Currency Commission could do this, and Professor Fisher suggests that its policy be such as to stabilize a cost-of-living index. In a growing economy the stabilization of prices would require the continuous injection of additional doses of purchasing power. This the Currency Commission would do through purchases of the public debt. Hence the public debt would be reduced, taxes might finally be abolished, and eventually a social dividend might be declared.

Interested always in monetary problems, Professor Fisher thinks of commercial banks as little mints, busily engaged in the creation and in the extraction of purchasing power. Little emphasis is laid on the economic functions of credit or of commercial banking. To him the quality of bank assets is of minor significance. Book credit is not considered. All-important is the liability side of the bank statement, bank deposits, which he relates as a causative factor to price fluctuations.

Stable prices are to Professor Fisher a criterion of a healthy underlying economic situation. The years from 1922 to 1929, when wholesale prices were relatively stable, represented in his opinion such a period. He gives credit for the stability of prices then to the policies of the late Governor Strong of the Federal Reserve Bank of New York. Had Strong lived, the depression, according to Professor Fisher, would have been prevented "almost altogether." Not having a genius of the stature of Governor Strong to guide our banking system, we must fall back upon mechanistic controls such as the 100 per cent reserve plan.

In his analysis of cyclical fluctuations Professor Fisher gives little attention to the particular uses made of increases in the volume of credit, to the growing rigidity of our economic system, to governmental intervention in the control of prices and in the prevention of liquidation, to the varying rates of growth among industries, to price disparities, to the tendencies toward autarchies and trade barriers, or to a host of other factors. In disturbing the equilibrium between savings and investments and in causing lending rates of interest to deviate from the "natural" rate of interest, credit inflation, as Professor Fisher carefully points out, is certainly one factor, and an important one, in cyclical fluctuations. However, it is not the only factor, and the remedy which Professor Fisher suggests would not effect a cure. More likely it would lead to what one might call a zero per cent reserve plan, under which bank deposits would be covered solely by the public debt. This would be in accord with the doctrine frequently ascribed to John Law, one of the first to suggest the elimination of the public debt through banking manipulation.

BENJAMIN HAGGOTT BECKHART

History of Heroism

Byron: Romantic Paradox. By William J. Calvert. University of North Carolina Press. $2.50.

THE reader "who stops at his dramatic preludings," said Matthew Arnold of Byron, "*does not know him.*" But most readers stop just there: Byron is Childe Harold and the Childe is a callow, self-pitying ranter. It is, no doubt, this mistaken notion that has made Byron's works the least bought of the popular Cambridge editions of the poets. Few, though these few have been of the best, have seen beneath the crudeness and the frequent vulgarity to the fineness, the intelligence, the craggy seriousness, the modern relevance. Of late, however, the feeling has happily begun to spread that Byron is not for adolescents but for the most adult, that his life is not a fatuous spectacle of misadventures but an instructive history of heroism. To this juster ascendant view Mr. Calvert's study adds materially.

Mr. Calvert calls Byron the most complex of the three great later romantics. By this he means, I take it, not that Byron was more subtle or fine-drawn than Shelley and Keats, but that he was in constant conflict within himself; that where Shelley and Keats suffered most from the resistance of the world to their natures, Byron suffered most from the contradictions of a paradoxical temperament. Within him a pagan sensuality coexisted with a Calvinist morality, and if, as Mr. Calvert suggests, his Presbyterian heritage had not caused him to attach so much guilty importance to his sensuality, a society no less sensual would simply have taken it for granted. In him Voltairean rationalism existed together with a deep love of the past and its faiths. A lack of social ease went with his arro-

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gance; with his lonely pride went dependence on public goodwill. The list of paradoxes could be extended; one is never sure on which of two opposite and irreconcilable sides his temperament lay, for it lay on both.

The crux of this paradoxical nature Mr. Calvert finds in the great romantic's defense of Pope and neo-classicism. This has often been interpreted as mere perversity. But actually it was a manifestation of something very important in Byron. As everyone says, the eighteenth century was preeminently characterized by its search for common sense, and the phrase is usually taken to mean something contradistinguishable from the poetic and the aspiring, and, by inference, as something low and even cynical. But the search for common sense had its own aspiration: the "common" is the "general" sense as opposed to the sense of the mere individual. The dominant literary theory of the eighteenth century, it is often said, was dictatorial, but it was a "dictatorship" based on a "democratic" ideal. Common sense implied a reference not so much to an abstract truth or even to fact as to the agreement of all qualified men. By extension it implied that this agreement could be reached by a curtailment and subordination of the mere individual's observation and feeling. And Byron, bearing the heavy burden of self, was looking for points of reference beyond individuality. He found it in Pope's school as, later, he found it in the Greek dramatic form.

Byron, the very type of rampant individualism, had the paradoxical but perhaps inevitable drive toward the social whole, and it was by the conflict of these two parts of his nature that he advanced to maturity. The Greek adventure was the last of many attempts to involve himself in the more decent aspects of the social world. The "dramatic preludings" have obscured the fact that when, even as early as "Childe Harold," Byron bore through Europe "the pageant of his bleeding heart," he was trying to understand that heart in the light of Europe and its history. The type of his solitary, savage heroes has reference not to the personal will but to the social will in its European corruption.

It is with this aspect of Byron—perhaps the basic one—that one could wish Mr. Calvert's excellent book had dealt in greater detail. For the understanding of Byron rests, I would submit, upon the realization that he was among those great Europeans of his time—Goethe, Stendhal, Heine—whose distinction lies in their study of European society and what it did to man.

LIONEL TRILLING

Good Will, Bad Science

Race Relations. Adjustment of Whites and Negroes in the United States. By Willis D. Weatherford and Charles S. Johnson. D. C. Heath and Company. $3.20.

Life on the Negro Frontier. By George R. Arthur. Association Press. $2.

MOST of the literature on the Negro in America derives its value chiefly from the fact that it reflects the attitudes and opinions of whites and Negroes concerning various phases of race relations at different stages of accommodation between the two races. Even so-called scientific studies of the race problem are not free from the bias of the various "schools" of opinion on race relations. Of late there has grown up a "school" which prides itself upon its objectivity in the study of race problems. The objectivity of this "school" consists mainly in its claim that it "lets the facts speak for themselves." But upon examination of such studies it generally turns out, first, that the "facts" which are supposed to speak for themselves are nothing more than meaningless arrays of statistics and historical data which—lest one be guilty of bias—have not been analyzed in terms of significant social or economic relationships; and, second, that these so-called factual data are presented in "an atmosphere of optimism and goodwill." Although the first of these books is a recent addition to a supposedly scientific series of textbooks on sociology, it is mainly a reflection of the philosophy of race adjustment of the two authors, who conform strictly to the above-mentioned requirements of "objective" studies of Negro problems. Even an enthusiastic Southern reviewer in the Nashville (Tennessee) *Banner* admits as much when, after praising the "dispassionate" attitudes of the authors, he states that the "most valuable contribution" of this book is "the atmosphere of determined good-will which is evident on every page."

The book by Weatherford and Johnson is supposed to be a unique achievement in "interracial cooperation" because a white and a Negro scholar "cooperated" in an intellectual task. But there is a certain irony in such a claim, for when one reads the book one finds that each of these two "leaders in the attempt to work out a basis for intelligent and mutually tolerant" race relations has written his chapters as if he had no knowledge of what the other had written but aimed only at saying nothing that would offend the feelings of the other. Consequently, the book is entirely lacking in organization, is full of repetitions, and constantly shifts its point of view. Without adding anything to existing knowledge concerning the race problem, the authors have, on the whole, strung together in anecdotal fashion bits of historical and anthropological information and marshaled statistical data in order to "analyze and discuss factually and candidly the various aspects of the problem of race relations." But all of this had to be done according to the canons of "orthodox" research. As a result we have the Negro author using much labored learning to express the most obvious trivialities, while the white collaborator speaks sentimentally about the Negro and treads softly where fundamental issues are concerned. For example, Weatherford tells us that amalgamation cannot solve the race problem because we do not know enough about the effects of race-crossing! Perhaps when the thousands of mulattoes who have solved their problem by passing into the white race read this, they will return immediately to their colored brethren to await the outcome of research. Moreover, there are certain conspicuous omissions in the book which are undoubtedly due to the "orthodox" character of this work. Imagine, for example, discussing the economic problems of the Negro without referring to Spero and Harris's fundamental study, "The Black Worker," except in a footnote reference to a single sentence, while the reader is referred to the Negro Year Book "for full discussion of the present union situation."

It may be necessary to present for consumption in the South "facts" concerning race relations in "an atmosphere of determined good-will," but books of this type have no place among scientific studies. Such a book as Bond's brilliant and thorough study, "The Education of the Negro in the American Social Order," may not be palatable to the South, but it represents the true meaning of objectivity in social research. Moreover, if we are going to have intellectual cooperation between whites and Negroes, let it be dictated by the scientific attitude which marked the work of Spero and Harris and not in "an atmosphere of determined good-will," such as characterizes this book.

"Life on the Negro Frontier" purports to give an account of the development and the present status of the Negro Young Men's Christian Associations in various parts of the country. However, all of the worth-while information in this book could have been presented in a short, inexpensive pamphlet which would have reached a wider audience. The grandiose title is misleading, since there is little worth-while information concerning the problems of the Negro in the Northern city. The

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presentation of the setting in which the Negro Y. M. C. A.'s grew up is a sentimental tribute to Julius Rosenwald's part in the work and an exaggerated appraisal of the effectiveness of these organizations in ameliorating the condition of the Negroes. The author's story, which is based upon information picked up from various unacknowledged sources, is not only presented in an uncritical fashion, but contradicts in one instance at least the census figures which accompany the story. (See, for example, the ratio of males to females, page 12.) A realistic account of the development of the Y. M. C. A. among Negroes which will present the compromises, the interracial diplomacy, and the rationalizations that have been necessary to make Jim Crow arrangements square with Christian principles still needs to be written.

E. Franklin Frazier

The Art of the East

The Civilizations of the East: Volume III, *China;* Volume IV, *Japan.* By René Grousset. Alfred A. Knopf. $5 each.

THE last two volumes of M. Grousset's work, "The Civilizations of the East," present to us in remarkably condensed form the whole pageant of culture in China and Japan. In this review it will be possible only to mention some of the high lights of these books that complete this French scholar's story of art in the Orient.

After a summary of Chinese culture in the prehistoric period, M. Grousset takes up the bronze ritual vessels of the Chou period, the mighty caldrons that were used in the great annual sacrifice to heaven and that formed the very palladia of empire. These bronzes embody alike the grandness and the austere simplicity for which the Chou period has invariably stood in the Chinese imagination—a period of mighty rulers, of the great classical scholars, the age which, to the Chinese scholar, has been what the Hellenic past has been for Western civilization. And frequently there is a suggestion in these massive, rugged shapes of the more sinister side of early Chinese religion, the sacrifice to the powers of darkness, the shadows of the sacred groves, and the practices they witnessed.

For too long, under the influence of the exotic fripperies and *tours de force* in ivory that came back in the holds of the first clipper ships to make the China run, the art of the Chinese was regarded as something grotesque, suitable only for the curiosity cabinet. We do not have to be professional aesthetes or even archaeologists to see in the forms of the very earliest periods the real and true expression of the art of China; we need only be lovers of order.

The memory of the kingdom of Han survives even today in the legends of the peoples of the Pacific basin, and not without reason, for the power of the dynasty from which the succeeding period takes its name extended from the shores of the China Sea to the very gates of India; its magnificent silks and ornaments in jade delighted the primitive chieftains of Japan and nearly bankrupted the lords of Rome. This era saw the formation, perhaps partly under the stimulus of the barbaric art of the Scythians, of a really typical Chinese art, an art characterized by the resilient strength of the curving, sweeping movement of line, the life quality of the animal forms, and, as always, a dependence on designs heavily charged with symbolical meaning.

In the chapter on the beginnings of Buddhist art in China, M. Grousset takes us to the treeless, wind-torn valley at Yun Kang, where today the peasants store their scanty harvest in the very laps of the giant gods enshrined there by the Tartars in the fifth century. Certainly nothing could speak more eloquently than this of the decline of Buddhism in China. The religion of Gautama was never able to capture the Chinese, a people so very aware of the social securities, with the lure of an unearthly paradise. Buddhist sculpture and painting, too, are like tiny ripples in the main current of Chinese art.

In the volume on India the author recounts how, at the very time that pagan cults were dying in the twilight of the classic world, the old gods found new life in the service of Buddhism in the Graeco-Buddhist art of northern India, which once had been the easternmost province of Alexander's world empire and the domain of his Eurasian-Greek successors. Through the Buddhist kingdoms of Turkestan this last remnant of the art of Hellas provided models for the first Buddhist images of China. In China the mingling of classic and Oriental elements united to form one of the most grandly hieratic art forms in all the world, in spirit similar to the majestic sculptures of medieval France. In his fourth volume M. Grousset suggests that, when Buddhism penetrated to Japan, there was a sort of revitalization of these decadent Graeco-Buddhist forms, a rebirth of something approximating the truly classic ideal. In the ancient sanctuaries at Nara we are often struck by the mysterious, almost sinister aspect of the earliest idols, dark and rigid forms in the temple shadows that seem to embody the common people's awe of the unearthly, highly metaphysical divinities that came to replace the simple, healthy nature spirits of the Shinto pantheon. Only later, with the complete acceptance of Buddhism, do we find a candid, friendly spirit in the gods—the expression of simplicity and clarity—everything that is the opposite of darkness and obscurity, that in every period has been reflected in the arts as an essential character of the Japanese spirit. It is perhaps to the awakening of this quality, rather than to any redistilled classicism, that we are to attribute the radiantly beautiful divinities of early Buddhism in Japan.

One criticism I would make of the volume on China is that it includes so many paintings in Western collections, often of dubious origin and labeled indiscriminately "Sung Period" or earlier. If we are to form a foundation for our judgment of the Sung landscape we must turn to the great originals in the collections of Japan and the countless masterpieces formerly in the Forbidden City.

Chinese collectors have always been cognizant of a fact mentioned by M. Grousset, that "a fine Ming painting . . . will always be of more value for an exact understanding of Chinese art than all the pseudo-T'ang and pseudo-Sung works that crowd our collections." The connoisseurs and literary men of the Ming period were quick to recognize the merit of the work of their contemporaries and even preferred it to the scarce and often questionable productions of earlier periods. M. Grousset's chapter on Ming is slight indeed, but this is not surprising, since probably no Westerner is capable of producing a satisfactory work on this subject without steeping himself in the vast material, most of it hidden in the godowns of collectors in China.

Although M. Grousset states that his book is intended as no more than an introduction, I could wish that he had divided his material a little more evenly and perhaps with a better sense of proportion. In the volume on Japan, it is to the later art, particularly to the Ukiyo-ye, that has been so long familiar to Westerners, that he devotes most space and most illustrations. It is to be regretted that in the chapters dealing with the earlier formative period of Japanese art the author contents himself with a rapid survey, and, for illustrations, with references to innumerable and to the average reader inaccessible publications. Such masters as Korin and Okyo are barely mentioned; even the great Sesshu fares none too well in this unbalanced volume.

The last chapters of the fourth volume are devoted to the banners, the "lama pictures" of the Peking junk dealers, that hang in the stinking temples of Tibet and China. Although

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occasionally charmed by this last offshoot of Indian culture, we are aesthetically as well as physically revolted by the array of monstrous forms, writhing in the consummation of their lusts, amid festoons of skulls and bleeding flesh, that are the illustrations of a religion as far from early Buddhism as is voodoo from the faith of Galilee.

Throughout these last two volumes as in the first of the series we have recorded for us the sensitive reactions of a cultured Western gentleman to the finest examples of Oriental art. Never for a moment are we presented with an Eastern point of view, and, in a way, this makes for a certain unity and spares us those orgies of nationalistic writing indulged in by such critics as Mr. Coomaraswamy. There is a unity achieved, too, in the volume on China by the author's tracing through the centuries the evolution of the Chinese aesthetic ideal that links the great bronzes of Chou with the misty quiet of the Sung landscapes.

In the English edition the thinness of the author's fabric shows through more than in the original, where a veritable armory of knife-sharp definitions, greater and more precise than the English vocabulary of art terms, cloaks the meagerness of fact and enchants us with its brilliance and clarity. M. Grousset is at his best when describing the historical and social background of the art of China and Japan, the grandeur of the court of T'ang, the abstract metaphysical beauty of Zen Buddhism in Japan. In spite of the occasional faults of commission and omission that seem almost inevitable in a vast project of this type, these books are probably better than anything else that has been written for anyone beginning the study of Oriental art; and even for those who have gone farther in this study, M. Grousset, in addition to valuable bibliography, supplies what is all too often the missing piece in the archaeological picture puzzle, the aesthetic value of beautiful objects irrespective of time and place of creation.

BENJAMIN ROWLAND, JR.

Shorter Notices

Heritage. By George F. Hummel. Frederick A. Stokes Company. $2.50.

It is hard to say at first glance just why this is not a successful novel—in any but a possible commercial sense. Mr. Hummel has chosen for his theme the ambitious one of a German family striking roots in mid-nineteenth-century America and developing into the second generation. His treatment of all this is painstaking and obviously sincere; he has a sense of locale, a sense of human nature, a sense of drama, and a sense of reality. Yet somehow all these excellent qualities add up to zero, and if we compare Mr. Hummel's family saga with such a book as "Buddenbrooks," or even one of lesser merit, it will be easy to understand why. Mr. Hummel lacks the creative vision so necessary to a work of this kind; lacking that, it is as though he lacked everything else. His characters, for all their plausibility, have a decidedly manufactured look, the situations into which he projects them are theatrical rather than dramatic, and his book as a whole is without that combination of mystery and reality, that power to transcend life while remaining consistently faithful to it, which gives to such books their chief *raison d'être*; as a work of art it has no value simply because it confers no value on life. Before we are halfway through it we begin to ask ourselves why it was written at all; before we have finished we begin to wonder if Mr. Hummel himself knows the answer: and when so ambitious an attempt poses questions like this, its failure is proportionately striking. Mr. Hummel is a diligent workman; his tools are good and he knows how to use them. Something more than all this, however, is required in order to build a house, and a great deal more than all this is required in order to build a mansion. He has undertaken a job which is plainly beyond him.

Second Hoeing. By Hope Williams Sykes. G. P. Putnam's Sons. $2.50.

This tale of the Colorado beet fields is a decent realistic novel which, like the beets its heroine hoed, has turned to sugar. The story has to do with the daughter of an immigrant German-Russian farmer, Hannah Schreissmiller, whose loyalty to the hard life of land and family drudgery constrains her to reject a fine marriage with the well-to-do, romantic young American that she loves. In its account of the day-to-day labors of the farmhouse, the cleaning, the cooking, the sewing, the planting and plowing and hoeing, the novel has a fine, factual truth. The characters of the foreign-born father and mother, the minister, the whole litter of fractious, disorganized children, are neatly caught. The heavy Germanic speech patterns of the old people, the vulgar, hybrid Americanisms of the young, ring harshly true. Yet when the author leaves the sphere of naturalism for that of sentiment, her novel sickens. The romance of Hannah and Jim Boswell is so factitious as to debase the book, for all its good, homely observation, to the level of a smooth-paper magazine love story. As evasive and untrue as this jerky, unmotivated love affair is the author's disregard of the social implications of her agricultural story. The few references to dropping prices are quite unrelated to the body of the novel and do nothing to affect the general optimistic tone of the trumped-up happy ending.

Condemned to Live. By Johann Rabener. Doubleday, Doran and Company. $3.

The only remarkable thing about this vast first novel by a young German is that it should come to America generously indorsed by Thomas Mann and Jacob Wassermann. As it appears in translation, it seems a herculean but misguided exertion on the part of a young man with a good deal of zeal and no talent whatever. Its conception is grand and spacious, its characters of titanic proportions, but its execution is ant-like, piddling. It tells of a young man, Fedor Feuerhahn, demon-haunted, the son of a fearful marriage, the incestuous lover of a debauched mother, whom he must stab in her bath before he can rest in a suicide's grave. The skeleton of the story has tragic power. Watching Fedor tortured by pursuing furies, it is possible for a moment to think of Orestes. But the amazing literal-mindedness of the author, his clumsy, uninspired style, his undiscriminating passion for detail make the comparison—and the novel—laughable. It must be added that Herr Rabener's work is not aided by what must be one of the least readable translations of all time. The literal-mindedness of the original author is only surpassed by that of his translator, Geoffrey Dunlop, who attempts to make an English phonetic transcription of a Jewish-German accent, and whose renditions of German slang are as close in letter as they are far in spirit from what must have been the original.

A Rebel War Clerk's Diary. With Brief Introduction and Notes by Howard Swiggott. Old Hickory Bookshop. Two Volumes. $7.50.

There is no more valuable picture of life during the Confederacy than "A Rebel War Clerk's Diary." John Beauchamp Jones, who had been an author and journalist before the war, was a clerk in the Confederate War Department. In his diary he made an entry for every day of the Civil War, during all of which he never left Richmond. The book is not a literary document, and it suffers from the fact that much of the comment in it was based on gossip, the usual war-time rumors, and unreliable newspaper comment. At the same time there is much in it of very great value in its reflection of the life

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of Richmond and its officials, and the spirit of those years. The editor declares that despite the varying values of Jones's opinions "the accuracy of the diary is amazing." Its very defects bear upon the temper of the times and help portray Richmond as it was. Often the comments are bombastic and in the light of history ridiculous, but at other times the war clerk showed amazing insight and good judgment. Here is his brief comment upon the capture of Slidell and Mason:

> November 18th.—Today the Secretary told me, in reply to my question, that he had authentic information of the seizure of Messrs. Slidell and Mason, our commissioners to Europe, by Captain Wilkes, of the U. S. Navy, and while aboard the steamer Trent, a British vessel, at sea. *I said I was glad of it.* He asked why, in surprise. I remarked that it would bring the Eagle cowering to the feet of the Lion. He smiled, and said it was, perhaps the best thing that could have happened.

The last entry in the diary is of April 19, 1865, after which the writer left for the Eastern shore of Maryland. He survived the war but a short time, dying less than ten months after the surrender of Appomattox, yet his diary has given him an immortality with all who study the Civil War.

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See pages ii and iii for other Summer Resorts

Films

Behind the Screen

MR. PAT MULLEN, who was the assistant producer of Robert Flaherty's "Man of Aran," has just written a book by the same title (Dutton, $3) which includes, among other things, some hints as to why that admirable picture depended so little for its interest on its being a representation of life as it is actually lived in the Aran Islands. Not long after his arrival in the Islands, it would appear, Mr. Flaherty learned that one of the most formidable monsters of the deep, the basking shark, had recently returned in great numbers to the west coast of Ireland. Whatever may have been the distinguished photographer's intention to record the prehistoric charm of Aran, its incredibly primitive economics, its naive and unspoiled population, it vanished before the prospect of brandishing a tripod in the teeth of the mighty fish. It mattered little that Aran men had not engaged in shark-hunting for almost a century. Mr. Flaherty was able to resurrect a few nonagenarians whose fathers had faintly recalled how the shark had been dealt with in the old days. A shipment of harpoons was imported from another part of the world, and with the assistance of a certain Scotch captain the Aran curragh men were instructed in their use. The result, as everyone knows, was one of the most beautiful and exciting films of recent years. That its theme bears no real correspondence to the actual conditions and preoccupations of the Aran Islanders at present has not been a source of great disturbance to many people.

Mr. Mullen, despite the occasional guilefulness of an Islander who has been temporarily exposed to the sophistication of Back Bay Boston, manages to get into his book much of just that quality of his native island which Mr. Flaherty saw fit to eliminate from the film. It is present throughout not only in the style but in the incidents which are used to bring out the temperamental idiosyncrasies of friends and relatives. There is the story of how Mr. Mullen's father secretly removed a whole sand dune from a neighboring property in order to make a little patch of soil for his own family. There are descriptions of wakes, marriages, and other social occasions which give us an impression of the cultural construction of Aran society. As a supplement to Mr. Flaherty's picture and as an intimate revelation of how so-called ethnographical films are put together nowadays, the book should be of special interest to everyone interested in the current screen.

Although the name of the Standard Oil Company is nowhere mentioned among the titles, "Oil for the Lamps of China" is really a tribute in celluloid form to the unflagging idealism of that organization in spreading the fruits of European civilization among the benighted peoples of the Orient. The most noteworthy of these fruits, it appears, is a special kind of oil lamp designed by the hero to make the Chinese burn more oil. The hero is a new kind of torch-bearer for the films —one who willingly sacrifices his wife, his child, and his best friend for the sake of the "Company." Through every sort of hardship and disillusionment he manages to keep his faith and is in the end rewarded by a handsome promotion. In the foreword we are told that oil is of course to be taken merely as a symbol of Light. Unfortunately, the word oil has accumulated certain other symbolical associations in recent American slang. It is more than likely that it is in the sense of an ill-smelling lubricant rather than a source of illumination that the word will be used to describe the particular effect of this picture. It is chiefly notable, and is mentioned in this place, as offering the most nauseating example of big-business propaganda that has appeared this season.

WILLIAM TROY

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